The Library
of the
University of North Carolina



Collection of North Caroliniana

C345.1
N87
1945
c.2

UNIVERSITY OF N.C. AT CHAPEL HILL
00035476626

This book must not be taken from the Library building.

6Apr46

APR - 6 1954

STATE OF NORTH CAROLINA

1945

SESSION LAWS AND RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

REGULAR SESSION

HELD IN THE CITY OF RALEIGH

BEGINNING ON

WEDNESDAY, THE THIRD DAY OF JANUARY, A. D. 1945

PUBLISHED BY AUTHORITY

OFFICIAL REGISTER FOR 1945-1947

LEGISLATIVE DEPARTMENT

L. Y. Ballentine	President of the Senate	Wake
O. L. Richardson	Speaker of House of Representatives	Union

EXECUTIVE DEPARTMENT

R. Gregg Cherry	Governor	Gaston
L. Y. Ballentine	Lieutenant-Governor	Wake
*Thad Eure	Secretary of State	Hertford
*George Ross Pou	Auditor	Johnston
*Charles M. Johnson	Treasurer	Pender
*Clyde A. Erwin	Superintendent of Public Instruction	Rutherford
Harry McMullan	Attorney-General	Beaufort
*W. Kerr Scott	Commissioner of Agriculture	Alamance
*Forrest H. Shuford	Commissioner of Labor	Guilford
*William P. Hodges	Commissioner of Insurance	Martin

* Constitute Council of State (The Attorney-General is the legal adviser to the Executive Department).

JUDICIAL DEPARTMENT

Supreme Court

W. P. Stacy	Chief Justice	*Raleigh
Michael Schenck	Associate Justice	*Raleigh
W. A. Devin	Associate Justice	*Raleigh
M. V. Barnhill	Associate Justice	*Raleigh
J. Wallace Winborne	Associate Justice	*Raleigh
A. A. F. Seawell	Associate Justice	*Raleigh
E. B. Denny	Associate Justice	*Raleigh
Dillard S. Gardner	Librarian	Raleigh
Dillard S. Gardner	Marshal	Raleigh
Adrian J. Newton	Clerk	Raleigh
John M. Strong	Reporter	Raleigh

* Official (not legal) residence.

Superior Court Judges

C. Everett Thompson	First District	Elizabeth City
W. J. Bone	Second District	Nashville
R. Hunt Parker	Third District	Roanoke Rapids
Clawson L. Williams	Fourth District	Sanford
J. Paul Frizzelle	Fifth District	Snow Hill
Henry L. Stevens, Jr.	Sixth District	Warsaw
W. C. Harris	Seventh District	Raleigh
J. J. Burney	Eighth District	Wilmington
Q. K. Nimocks, Jr.	Ninth District	Fayetteville
Leo Carr	Tenth District	Burlington
J. H. Clement	Eleventh District	Walkertown
H. Hoyle Sink	Twelfth District	Greensboro
F. D. Phillips	Thirteenth District	Rockingham
William H. Bobbitt	Fourteenth District	Charlotte
Frank M. Armstrong	Fifteenth District	Troy
Wilson Warlick	Sixteenth District	Newton
J. A. Rousseau	Seventeenth District	North Wilkesboro
J. W. Pless, Jr.	Eighteenth District	Marion
Zeb V. Nettles	Nineteenth District	Asheville
Felix E. Alley	Twentieth District	Waynesville
Allen H. Gwyn	Twenty-first District	Reidsville

Special Judges

W. H. S. Burgwyn	Woodland
Richard D. Dixon	Edenton
Luther Hamilton	Morehead City
Jeff D. Johnson, Jr.	Clinton
Hubert E. Olive	Lexington
J. C. Rudisill	Newton

40021

Emergency Judges

H. A. Grady	New Bern
G. V. Cowper	Kinston

Solicitors

Chester R. Morris	First District	Currituck
Donnell Gilliam	Second District	Tarboro
E. R. Tyler	Third District	Roxobel
W. J. Hooks	Fourth District	Kenly
D. M. Clark	Fifth District	Greenville
J. Abner Barker	Sixth District	Roseboro
William Y. Bickett	Seventh District	Raleigh
Clifton L. Moore	Eighth District	Burgaw
F. E. Carlyle	Ninth District	Lumberton
William H. Murdock	Tenth District	Durham
Robert H. Sykes (acting)		Durham
J. Erle McMichael	Eleventh District	Winston-Salem
J. Lee Wilson	Twelfth District	Lexington
Edward H. Gibson	Thirteenth District	Laurinburg
J. G. Carpenter	Fourteenth District	Gastonia
Chas. L. Coggin	Fifteenth District	Salisbury
L. S. Spurling	Sixteenth District	Lenoir
A. E. Hall	Seventeenth District	Yadkinville
C. O. Ridings	Eighteenth District	Forest City
J. S. Howell	Nineteenth District	Asheville
John M. Queen	Twentieth District	Waynesville
R. J. Scott	Twenty-first District	Danbury

HEADS OF ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

Adjutant General

J. Van B. Metts ..... New Hanover

Department of Agriculture

W. Kerr Scott Commissioner ..... Alamance

Board of Alcoholic Control

Carl L. Williamson, Chairman ..... Wake

State Department of Archives and History

C. C. Crittenden, Director ..... Wake

Banking Department

Gurney P. Hood, Commissioner ..... Wayne

Commission for the Blind

Dr. Roma S. Cheek, Executive Secretary ..... Graham

Budget Bureau

R. G. Deyton, Assistant Director ..... Yancey

Buildings and Grounds

John Bray, Superintendent ..... Wake

State Board of Charities and Public Welfare

Dr. Ellen B. Winston, Commissioner ..... Wake

Department of Conservation and Development

R. Bruce Etheridge, Director ..... Dare

Board of Correction and Training

S. E. Leonard, Commissioner ..... Edgecombe

N. C. Council for National Defense

R. L. McMillan, Director ..... Wake

State Board of Education

Paul Reid, Acting Comptroller ..... Surry

State Board of Elections

R. C. Maxwell, Executive Secretary ..... Wake

State Employment Service

(Loaned to War Manpower Commission for duration)

STATE BOARD OF HEALTH
DR. CARL V. REYNOLDS Secretary ..... Buncombe

STATE HIGHWAY AND PUBLIC WORKS COMMISSION
CHARLES ROSS, Acting Chairman ..... Harnett

N. C. HOSPITALS BOARD OF CONTROL
R. M. ROTHGEB, Business Manager ..... Wake

INDUSTRIAL COMMISSION
T. A. WILSON, Chairman ..... Forsyth

DEPARTMENT OF INSURANCE
WILLIAM P. HODGES, Commissioner ..... Martin

BUREAU OF INVESTIGATION
THOMAS CREEKMORE, Director ..... Wake

DEPARTMENT OF JUSTICE
HARRY MCMULLAN, Attorney General ..... Beaufort

DEPARTMENT OF LABOR
FORREST H. SHUFORD, Commissioner ..... Guilford

LIBRARY COMMISSION
MISS MARJORIE BEAL, Secretary ..... Wake

STATE LIBRARY
MISS CARRIE L. BROUGHTON, Librarian ..... Wake

LOCAL GOVERNMENT COMMISSION
W. E. EASTERLING, Secretary ..... Wake

MERIT SYSTEM COUNCIL
*DR. FRANK T. DE VYVER, Supervisor ..... Durham

DEPARTMENT OF MOTOR VEHICLES
T. BODDIE WARD, Commissioner ..... Wilson

MUNICIPAL BOARD OF CONTROL
THAD EURE, Secretary (Ex-Officio) ..... Hertford

PAROLES COMMISSION
WILLIAM DUNN, JR., Acting Commissioner ..... Craven

STATE PLANNING BOARD
FELIX A. GRISETTE, Managing Director ..... Orange

PROBATION COMMISSION
J. HARRY SAMPLE, Director ..... Buncombe

DIVISION OF PURCHASE AND CONTRACT
W. Z. BETTS, Director ..... Wake

RETIREMENT SYSTEM
BAXTER DURHAM, Secretary ..... Wake

DEPARTMENT OF REVENUE
EDWIN GILL, Commissioner ..... Scotland

RURAL ELECTRIFICATION AUTHORITY
GWYN B. PRICE, Chairman ..... Ashe

SUPREME COURT
DILLARD S. GARDNER, Librarian and Marshal ..... Orange
ADRIAN J. NEWTON, Clerk ..... Davidson

DEPARTMENT OF TAX RESEARCH
A. J. MAXWELL, Director ..... Wake

UNEMPLOYMENT COMPENSATION COMMISSION
A. L. FLETCHER, Chairman ..... Wake

UTILITIES COMMISSION
STANLEY WINBORNE, Chairman ..... Hertford

WAR MANPOWER COMMISSION
DR. J. S. DORTON, Director ..... Cleveland

WEIGHTS AND MEASURES
C. D. BAUCOM, Superintendent ..... Wake

WORLD WAR VETERAN'S LOAN FUND
MRS. GRACE W. HINTON, Acting Commissioner ..... Wake

* Address: Durham, N. C.
All other official addresses—Raleigh, N. C.

STATE HOSPITALS AND STATE EDUCATIONAL AND CORRECTIONAL INSTITUTIONS AND HEADS

UNIVERSITY OF NORTH CAROLINA
FRANK P. GRAHAM, President ..... Chapel Hill

CHANCELLOR—CHAPEL HILL UNIT
R. B. HOUSE ..... Chapel Hill

CHANCELLOR—STATE COLLEGE UNIT
J. W. HARRELSON ..... Raleigh

CHANCELLOR—WOMAN'S COLLEGE UNIT
W. C. JACKSON ..... Greensboro

STATE SCHOOL FOR THE BLIND AND DEAF
G. E. LINEBERRY ..... Raleigh

STATE HOSPITAL AT GOLDSBORO
DR. FRANK L. WHELPLEY ..... Goldsboro

STONEWALL JACKSON MANUAL AND INDUSTRIAL TRAINING SCHOOL
S. G. HAWFIELD ..... Concord

N. C. SCHOOL FOT THE DEAF
DR. C. E. RANKIN ..... Morganton

APPALACHIAN STATE TEACHERS COLLEGE
B. B. DOUGHERTY ..... Boone

EAST CAROLINA TEACHERS COLLEGE
DR. HOWARD J. MCGINNIS (acting) ..... Greenville

WESTERN CAROLINA TEACHERS COLLEGE
H. T. HUNTER ..... Cullowhee

CASWELL TRAINING SCHOOL
DR. W. T. PARROTT ..... Kinston

STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS (SAMARCAND MANOR)
MISS REVA MITCHELL ..... Eagle Springs

STATE INDUSTRIAL FARM COLONY FOR WOMEN
MRS. MAUDE R. JIMISON ..... Kinston

STATE HOSPITAL AT RALEIGH
DR. J. F. OWEN ..... Raleigh

STATE HOSPITAL AT MORGANTON
DR. JOHN R. SAUNDERS ..... Morganton

N. C. SANATORIUM FOR TREATMENT OF TUBERCULOSIS
DR. P. P. MCCAIN ..... Sanatorium

WESTERN N. C. SANATORIUM FOR TREATMENT OF TUBERCULOSIS
DR. S. M. BITTINGER ..... Black Mountain

EASTERN N. C. SANATORIUM FOR TREATMENT OF TUBERCULOSIS
DR. H. F. EASON ..... Wilson

N. C. ORTHOPEDIC HOSPITAL
DR. W. M. ROBERTS ..... Gastonia

OXFORD ORPHANAGE
REV. C. K. PROCTOR ..... Oxford

COLORED ORPHANAGE OF NORTH CAROLINA
T. A. HAMME ..... Oxford

CONFEDERATE WOMAN'S HOME
MRS. INA FOUST SMITH ..... Fayetteville

EASTERN CAROLINA INDUSTRIAL TRAINING SCHOOL
W. D. CLARK ..... Rocky Mount

NEGRO AGRICULTURAL AND TECHNICAL COLLEGE
F. D. BLUFORD ..... Greensboro

ELIZABETH CITY STATE TEACHERS COLLEGE
H. L. TRIGG ..... Elizabeth City

FAYETTEVILLE STATE TEACHERS COLLEGE
J. W. SEABROOK ..... Fayetteville

WINSTON-SALEM TEACHERS COLLEGE
F. L. ATKINS ..... Winston-Salem

PEMBROKE STATE COLLEGE FOR INDIANS
RALPH D. WELLONS ..... Pembroke

MORRISON TRAINING SCHOOL FOR NEGROES
PAUL R. BROWN ..... Hoffman

STATE TRAINING SCHOOL FOR NEGRO GIRLS
MAY D. HOLMES ..... Rocky Mount

N. C. COLLEGE FOR NEGROES
J. E. SHEPARD ..... Durham

EXAMINING BOARDS

STATE BOARD OF ACCOUNTANCY
W. M. RUSS, Secretary ..... Raleigh

STATE BOARD OF ARCHITECTURAL EXAMINATION AND REGISTRATION
ROSS SHUMAKER, Secretary ..... Raleigh

STATE BOARD OF BARBER EXAMINERS
R. P. BRANCH, Secretary ..... Raleigh

STATE BOARD OF CHIROPODY EXAMINERS
DR. L. D. ABERNATHY, Secretary ..... Charlotte

NORTH CAROLINA STATE BOARD OF CHIROPRACTIC EXAMINERS
DR. C. H. PETERS, Secretary ..... Rocky Mount

NORTH CAROLINA LICENSING BOARD FOR CONTRACTORS
W. J. MANN, Secretary ..... Raleigh

NORTH CAROLINA STATE BOARD OF COSMETIC ART EXAMINERS
MRS. C. P. BOBBITT, Secretary ..... Raleigh

STATE BOARD OF DENTAL EXAMINERS
DR. WILBERT JACKSON, Secretary ..... Clinton

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
MRS. JAMES H. ANDERSON, Secretary-Treasurer ..... Raleigh

EMBALMERS LICENSING BOARD
WILL N. VOGLER, Secretary ..... Winston-Salem

STATE BOARD OF REGISTRATION FOR ENGINEERS AND LAND SURVEYORS
C. L. MANN, Secretary ..... Raleigh

STATE BOARD OF LAW EXAMINERS
E. L. CANNON, Secretary ..... Raleigh

STATE BOARD OF MEDICAL EXAMINERS
DR. IVAN M. PROCTOR, Secretary ..... Raleigh

NORTH CAROLINA BOARD OF NURSE EXAMINERS
BESSIE M. CHAPMAN, Secretary ..... Raleigh

NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY
DR. ROBERT L. WILSON, Secretary ..... Shelby

NORTH CAROLINA STATE BOARD OF OSTEOPATHIC EXAMINATION AND REGISTRATION
DR. FRANK R. HEINE, Secretary ..... Greensboro

NORTH CAROLINA STATE BOARD OF PHARMACY
H. C. MCALLISTER ..... Chapel Hill

NORTH CAROLINA STATE BOARD OF PHOTOGRAPHIC EXAMINERS
EDWIN M. STANLEY, Secretary ..... Greensboro

STATE BOARD OF EXAMINERS OF PLUMBING AND HEATING CONTRACTORS
W. F. MORRISON, Secretary ..... Raleigh

BOARD OF EXAMINERS FOR LICENSING TILE CONTRACTORS
J. KNIGHT DAVIS ..... Wilmington

NORTH CAROLINA BOARD OF VETERINARY MEDICAL EXAMINERS
DR. P. C. MCLAIN, Secretary ..... High Point

COMMISSIONER OF AFFIDAVITS FOR NORTH CAROLINA RESIDENT IN OTHER STATES

NAME	EXPIRATION OF TERM	ADDRESS
JEREMIAH J. MAHER	September 13, 1946	New York, N. Y.

UNITED STATES SENATORS

JOSIAH W. BAILEY	Raleigh
CLYDE R. HOEY	Shelby

NORTH CAROLINA REPRESENTATIVES IN CONGRESS

HERBERT C. BONNER	First District	Washington
JOHN H. KERR	Second District	Warrenton
GRAHAM A. BARDEN	Third District	New Bern
HAROLD D. COOLEY	Fourth District	Nashville
JOHN H. FOLGER	Fifth District	Mount Airy
CARL T. DURHAM	Sixth District	Chapel Hill
J. BAYARD CLARK	Seventh District	Fayetteville
W. O. BURGIN	Eighth District	Lexington
R. L. DOUGHTON	Ninth District	Laurel Springs
JOE W. ERVIN	Tenth District	Charlotte
A. L. BULWINKLE	Eleventh District	Gastonia
ZEBULON WEAVER	Twelfth District	Asheville

GENERAL ASSEMBLY, 1945

SENATE OFFICERS

NAME	POSITION	COUNTY
LYNTON Y. BALLENTINE	President	Wake
ARCHIE C. GAY	President pro tem	Northampton
S. RAY BYERLY	Principal Clerk	Lee
ROBERT RASBERRY	Reading Clerk	Pitt
HERMAN SCOTT	Sergeant-at-arms	Chatham

SENATORS

DISTRICT	NAME	COUNTY	ADDRESS
1	W. T. CULPEPPER	Pasquotank	Elizabeth City
1	CHAS. H. JENKINS	Bertie	Aulander
2	E. A. DANIEL	Beaufort	Washington
2	W. ROY HAMPTON	Washington	Plymouth
3	ARCHIE C. GAY	Northampton	Jackson
4	R. L. APPLEWHITE	Halifax	Halifax
4	W. G. CLARK	Edgecombe	Tarboro
5	ARTHUR B. COREY	Pitt	Greenville
6	JOSEPH C. EAGLES	Wilson	Wilson
6	WILLIE LEE LUMPKIN	Franklin	Louisburg
7	D. L. WARD	Craven	New Bern
7	R. A. WHITAKER	Lenoir	Kinston
8	THOMAS O'BERRY	Wayne	Goldsboro
8	LAWRENCE H. WALLACE	Johnston	Smithfield
9	ROY ROWE	Pender	Burgaw
9	HENRY VANN	Sampson	Clinton
10	R. J. HESTER, JR.	Bladen	Elizabethtown
10	CHARLES G. ROSE	Cumberland	Fayetteville
11	CARSON M. BARKER	Robeson	Lumberton
12	RYAN McBRYDE	Hoke	Raeford
12	ARTHUR ROSS	Randolph	Asheboro
13	WILEY G. BARNES	Wake	Raleigh
13	J. C. PITTMAN	Lee	Sanford
14	CLAUDE CURRIE	Durham	Durham
14	F. D. LONG	Person	Roxboro
15	J. HAMPTON PRICE	Rockingham	Leaksville
16	W. DENNIS MADRY	Alamance	Burlington
17	GEORGE T. PENNY	Guilford	Greensboro
18	GEO. L. HUNDLEY	Davidson	Thomasville
18	EDWIN PATE	Scotland	Laurinburg
19	R. E. LITTLE	Anson	Wadesboro
19	W. ERSKINE SMITH	Stanly	Albemarle
20	JOE L. BLYTHE	Mecklenburg	Charlotte
21	LUTHER E. BARNHARDT	Cabarrus	Concord
21	JOHN C. KESLER	Rowan	Salisbury
22	IRVING E. CARLYLE	Forsyth	Winston-Salem
23	CARLOS E. DAVIS	Stokes	Walnut Cove
24	W. B. SOMERS (R)	Wilkes	Wilkesboro
25	JOHN W. AIKEN	Catawba	Hickory
25	HUGH G. MITCHELL	Iredell	Statesville
26	STEVE DOLLEY	Gaston	Gastonia
27	WADE B. MATHENY	Rutherford	Forest City
27	LEE B. WEATHERS	Cleveland	Shelby
28	O. LEE HORTON	Burke	Morganton
29	EDISON M. THOMAS (R)	Ashe	Jefferson
30	CALVIN R. EDNEY (R)	Madison	Marshall
31	BRANDON P. HODGES	Buncombe	Asheville
32	W. B. HODGES	Henderson	Hendersonville
32	CARROLL P. ROGERS	Polk	Tryon
33	A. L. PENLAND	Clay	Hayesville

HOUSE OFFICERS

NAME	POSITION	COUNTY
O. L. RICHARDSON	Speaker	Union
ANNIE E. COOPER	Principal Clerk	Wake
RALPH MONGER, JR.	Reading Clerk	Lee
H. L. JOYNER	Sergeant-at-arms	Northampton

REPRESENTATIVES

NAME	ADDRESS	COUNTY
WALTER R. SELLERS	Burlington	Alamance
HAYDEN DEAL (R)	Taylorsville	Alexander
T. ROY BURGISS	Sparta	Alleghany
U. B. BLALOCK	Wadesboro	Anson
M. DONLEY HART (R)	Tuckerdale	Ashe
W. R. FIELDS (R)	Elk Park	Avery
BRYAN GRIMES	Washington	Beaufort
C. WAYLAND SPRUILL	Windsor	Bertie
JAMES A. BRIDGER	Bladenboro	Bladen
J. W. RUARK	Southport	Brunswick
GEORGE W. CRAIG	Asheville	Buncombe
E. L. LOFTIN	Asheville	Buncombe
GEORGE A. SHUFORD	Asheville	Buncombe
A. B. STONEY	Morganton	Burke
E. T. BOST, JR.	Concord	Cabarrus
J. CARLYLE RUTLEDGE	Kannapolis	Cabarrus
J. T. PRITCHETT	Lenoir	Caldwell
S. E. BURGESS	Belcross	Camden
H. S. GIBBS	Morehead City	Carteret
JNO. O. GUNN	Yanceyville	Caswell
HARLEY F. SHUFORD	Hickory	Catawba
WADE BARBER	Pittsboro	Chatham
MRS. G. W. COVER	Andrews	Cherokee
JOHN F. WHITE	Edenton	Chowan
F. HERBERT (R)	Hayesville	Clay
CHARLES C. HORN	Shelby	Cleveland
J. PERCY BROWN	Tabor City	Columbus
BURL G. HARDISON	New Bern	Craven
F. M. AVERITT	Fayetteville	Cumberland
T. C. BYNUM	Hope Mills	Cumberland
G. C. BOSWOOD	Gregory	Currituck
THEO. S. MEEKINS	Manteo	Dare
DR. J. A. SMITH	Lexington	Davidson
R. V. ALEXANDER (R)	Cooleemee	Davie
C. E. QUINN	Kenansville	Duplin
OSCAR G. BARKER	Durham	Durham
ROBERT M. GANTT, SR.	Durham	Durham
BEN E. FOUNTAIN	Rocky Mount	Edgecombe
REX GASS	Winston-Salem	Forsyth
F. L. GOBBLE	Winston-Salem	Forsyth
SAM E. WELFARE	Winston-Salem	Forsyth
H. C. KEARNEY	Franklinton	Franklin
DAVID P. DELLINGER	Cherryville	Gaston
O. M. VERNON	Mt. Holly	Gaston
W. J. ROUNTREE	Hobbsville	Gates
DR. J. H. CRAWFORD	Robbinsville	Graham
JNO. S. WATKINS	Oxford	Granville
ALONZO C. EDWARDS	Hookerton	Greene
SHELLEY B. CAVENESS	Greensboro	Guilford
WALTER E. CRISSMAN	High Point	Guilford
FRANK R. HUTTON	Greensboro	Guilford
ROBERT MOSELEY	Greensboro	Guilford
IRWIN CLARK	Scotland Neck	Halifax
ALLISON L. OVERBY	Angier	Harnett
GLENN C. PALMER	Clyde	Haywood
L. L. BURGIN	Horse Shoe	Henderson
MERRILL EVANS	Ahoskie	Hertford
DR. G. W. BROWN	Raeford	Hoke
C. L. BELL	Swan Quarter	Hyde
D. E. TURNER, SR.	Mooresville	Iredell
DAN M. ALLISON	Sylva	Jackson
G. A. MARTIN	Smithfield	Johnston
CARL P. WORLEY	Selma	Johnston
R. P. BENDER	Pollocksville	Jones

NAME	ADDRESS	COUNTY
W. E. HORNER	Sanford	Lee
F. E. WALLACE	Kinston	Lenoir
CHAS. F. HOUSER	Lincolnton	Lincoln
WAYNE R. MCCRACKEN	Franklin, R. 4	Macon
DR. J. H. HUTCHINS (R)	Marshall	Madison
CLARENCE W. GRIFFIN	Williamston	Martin
J. C. RABB	Marion	McDowell
ARTHUR GOODMAN	Charlotte	Mecklenburg
HARVEY MORRIS	Charlotte	Mecklenburg
ED. T. TONISSEN	Charlotte	Mecklenburg
JAMES B. VOGLER	Charlotte	Mecklenburg
DR. C. A. PETERSON (R)	Spruce Pine	Mitchell
J. P. WALLACE	Troy	Montgomery
WILBUR H. CURRIE	Carthage	Moore
THOMAS J. PEARSALL	Rocky Mount	Nash
JOHN Q. LEGRAND	Wilmington	New Hanover
H. R. HARRIS	Seaboard	Northampton
W. J. (BILLY) ARTHUR	Jacksonville	Onslow
JOHN W. UMSTEAD, JR.	Chapel Hill	Orange
E. S. ASKEW	Oriental	Pamlico
VERNON G. JAMES	Elizabeth City	Pasquotank
J. V. WHITFIELD	Wallace	Pender
W. W. WHITE	Hertford	Perquimans
ROBERT P. BURNS	Roxboro	Person
GEO. W. DAVIS	Farmville	Pitt
SAM O. WORTHINGTON	Greenville	Pitt
W. H. MCDONALD	Tryon	Polk
S. GIRARD RICHARDSON (R)	Seagrove	Randolph
JOHN D. CHALK	Rockingham	Richmond
J. P. BUIE	Red Springs	Robeson
I. P. GRAHAM	Proctorville	Robeson
T. CLARENCE STONE	Stoneville	Rockingham
KERR CRAIGE RAMSAY	Salisbury	Rowan
GEORGE R. UZZELL	Salisbury	Rowan
LEE L. POWERS	Lake Lure	Rutherford
CHAS. F. HONEYCUTT (R)	Clinton	Sampson
O. L. MOORE	Laurinburg	Scotland
J. J. MORTON (R)	Albemarle	Stanly
WILLIAM F. MARSHALL	Walnut Cove	Stokes
HENRY C. DOBSON	Elkin	Surry
MCKINLEY EDWARDS	Bryson City	Swain
RALPH R. FISHER (R)	Brevard	Transylvania
C. EARL COHOON	Columbia	Tyrrell
OSCAR L. RICHARDSON	Monroe	Union
FRED S. ROYSTER	Henderson	Vance
J. LEROY ALLEN	Raleigh	Wake
WILLIAM T. HATCH	Raleigh	Wake
N. F. RANSDELL	Varina	Wake
JOHN KERR, JR.	Warrenton	Warren
W. H. (JACK) PEELE	Plymouth	Washington
S. C. EGGERS (R)	Boone	Watauga
W. FRANK TAYLOR	Goldsboro	Wayne
T. E. STORY (R)	Wilkesboro	Wilkes
LARRY I. MOORE, JR.	Wilson	Wilson
R. B. LONG (R)	Boonville	Yadkin
DR. W. L. BENNETT	Burnsville	Yancey

ENROLLING AND INDEXING DEPARTMENTS

NAME	POSITION	POST OFFICE
EDWIN B. WHITAKER	Enrolling Clerk	Bryson City
CALE K. BURGESS	Indexer of Laws	Raleigh

CONSTITUTION

OF THE

State of North Carolina

PREAMBLE

Preamble.

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political, and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution:

ARTICLE I

DECLARATION OF RIGHTS

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

The equality and unalienable rights of men.

Section 1. *The equality and rights of men.* That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Political power and government.

Sec. 2. *Political power and government.* That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Internal government of the State.

Sec. 3. *Internal government of the State.* That the people of this State have the inherent, sole and exclusive right of regulating the internal government and policies thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of the law, and consistently with the Constitution of the United States.

That there is no right to secede.

Sec. 4. *That there is no right to secede.* That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union

or to sever said Nation, ought to be resisted with the whole power of the State.

Paramount allegiance to the U. S. Government.

Sec. 5. *Of allegiance to the United States Government.* That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Public debt; bonds issued under ordinance of Convention of 1868, 1868-'69, 1869-'70 declared invalid.

Sec. 6. *Public debt; bonds issued under ordinance of Convention of 1868, '68-'69, '69-'70, declared invalid; exception.* The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people, and by them ratified by the vote of a majority of all the qualified voters of the State at a regular election held for that purpose.

Exception.

Exclusive emoluments, etc.

Sec. 7. *Exclusive emoluments, etc.* No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The legislative, executive and judicial powers distinct.

Sec. 8. *The legislative, executive, and judicial powers distinct.* The legislative, executive, and supreme judicial powers of the government ought to be forever separate and distinct from each other.

Of the power of suspending laws.

Sec. 9. *Of the power of suspending laws.* All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Election free.

Sec. 10. *Election free.* All elections ought to be free.

In criminal prosecutions.

Sec. 11. *In criminal prosecutions.* In all criminal prosecutions every man has the right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and to have counsel for his defense, and not to be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Answers to criminal charges.

Sec. 12. *Answers to criminal charges.* No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment, or impeachment.

Right of trial by jury.

Sec. 13. *Right of jury.* No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal.

Excessive bail.

Sec. 14. *Excessive bail.* Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

General warrants.

Sec. 15. *General warrants.* General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Imprisonment for debt.

Sec. 16. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

No person taken, etc., but by law of the land.

Sec. 17. *No person taken, etc., but by law of the land.* No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property but by the law of the land.

Persons restrained of liberty.

Sec. 18. *Persons restrained of liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Controversies at law respecting property.

Sec. 19. *Controversies at law respecting property.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

Freedom of the press.

Sec. 20. *Freedom of the press.* The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Habeas corpus.

Sec. 21. *Habeas corpus.* The privileges of the writ of *habeas corpus* shall not be suspended.

Property qualification.

Sec. 22. *Property qualification.* As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

Representation and taxation.

Sec. 23. *Representation and taxation.* The people of the State ought not to be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly, freely given.

Militia and the right to bear arms.

Sec. 24. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Right of the people to assemble together.

Sec. 25. *Right of the people to assemble together.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

Religious liberty.

Sec. 26. *Religious liberty.* All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Education.

Sec. 27. *Education.* The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Elections should be frequent.

Sec. 28. *Elections should be frequent.* For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Recurrence to fundamental principles.

Sec. 29. *Recurrence to fundamental principles.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Hereditary emoluments, etc.

Sec. 30. *Hereditary emoluments, etc.* No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

Perpetuities, etc.

Sec. 31. *Perpetuities, etc.* Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Ex post facto laws.

Sec. 32. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto law* ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

Slavery prohibited.

Sec. 33. *Slavery prohibited.* Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State.

State boundaries.

Sec. 34. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are.

Courts shall be open.

Sec. 35. *Courts shall be open.* All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

Soldiers in time of peace.

Sec. 36. *Soldiers in time of peace.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

Other rights of the people.

Sec. 37. *Other rights of the people.* This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II

LEGISLATIVE DEPARTMENT

Two branches.

SECTION 1. *Two branches.* The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives.

Time of assembling.

SEC. 2. *Time of assembling.* The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

Number of senators.

Sec. 3. *Number of senators.* The Senate shall be composed of fifty Senators, biennially chosen by ballot.

Regulations in relation to districting the State for senators.

Sec. 4. *Regulations in relation to districting the State for Senators.* The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

Regulations in relation to apportionment of representatives.

Sec. 5. *Regulations in relation to apportionment of representatives.* The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts of the Senate are hereinbefore directed to be laid off.

Ratio of representation.

Sec. 6. *Ratio of representation.* In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one Representative; to each county containing two but not three times the said ratio there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

Qualifications for senators.

Sec. 7. *Qualifications for senators.* Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

Qualifications for representatives.

Sec. 8. *Qualifications for representatives.* Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

Election of officers.

Sec. 9. *Election of officers.* In the election of all officers whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce.*

Powers in relation to divorce and alimony.

Sec. 10. *Powers in relation to divorce and alimony.* The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Private laws in relation to names of persons, etc.

Sec. 11. *Private laws in relation to names of persons, etc.* The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Thirty days' notice shall be given anterior to passage of private laws.

Sec. 12. *Thirty days notice shall be given anterior to passage of private laws.* The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

Vacancies.

Sec. 13. *Vacancies.* If vacancies shall occur in the General Assembly by death, resignation, or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

Sec. 14. *Revenue.* No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Entails.

Sec. 15. *Entails.* The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

Journals.

Sec. 16. *Journals.* Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Protest.

Sec. 17. *Protest.* Any member of either House may dissent from, and protest against, any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.

Officers of the House.

Sec. 18. *Officers of the House.* The House of Representatives shall choose their own Speaker and other officers.

President of the Senate.

Sec. 19. *President of the Senate.* The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

Other senatorial officers.

Sec. 20. *Other senatorial officers.* The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant-Governor, or when he shall exercise the office of the Governor.

Style of the acts.

Sec. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina do enact."

Powers of the General Assembly.

Sec. 22. *Powers of the General Assembly.* Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place.

Bills and resolutions to be read three times, etc.

Sec. 23. *Bills and resolutions to be read three times, etc.* All bills and resolutions of a legislative nature shall be read three times in each House before they pass into laws, and shall be signed by the presiding officers of both Houses.

Oath of members.

Sec. 24. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Terms of office.

Sec. 25. *Terms of office.* The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Yeas and nays.

Sec. 26. *Yeas and nays.* Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

Election for members of the General Assembly.

Sec. 27. *Election for members of the General Assembly.* The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. (Changed to Tuesday after first Monday in November. c. 275—1876.)

Pay of members and officers of the General Assembly.

Sec. 28. *Pay of members and officers of the General Assembly.* The members of the General Assembly for the term of their office shall receive a salary for their services of six hundred dollars each. The salaries of the presiding officers of the two houses shall be seven hundred dollars each: *Provided,* that in addition to the salaries herein provided for, should an extra session of the General Assembly be called, the members shall receive eight dollars per day each, and the presiding officers of the two houses ten dollars per day each, for every day of such extra session not exceeding twenty days; and should an extra session continue more than twenty days, the members and officers shall serve thereafter without pay.

Limitations upon power of General Assembly to enact private or special legislation.

Sec. 29. *Limitations upon power of General Assembly to enact private or special legislation.* The General Assembly shall not pass any local, private, or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-navigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private, or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private, or special act or resolution passed in violation of the provisions of this section shall be void.

The General Assembly shall have power to pass general laws regulating matters set out in this section.

Inviolability of sinking funds.

Sec. 30. The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

ARTICLE III

EXECUTIVE DEPARTMENT

Officers of the Executive Department.

Sec. 1. *Officers of the Executive Department; Terms of Office.* The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor and a Commissioner of Insurance, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Terms of office.

Qualifications of Governor and Lieutenant-Governor.

Sec. 2. *Qualifications of Governor and Lieutenant-Governor.* No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight yars, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Returns of election.

SEC. 3. *Returns of election.* The returns of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be prescribed by law. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

Oath of office for Governor.

Sec. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

Duties of Governor.

Sec. 5. *Duties of Governor.* The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Reprieves, commutations and pardons.

Sec. 6. *Reprieves, commutations, and pardons.* The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses (except in case of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor.

Annual reports from officers of Executive Department and of public institutions.

Sec. 7. *Annual reports from officers of Executive Department and of public institutions.* The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander-in-chief.

Sec. 8. *Commander-in-Chief.* The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

Extra sessions of General Assembly.

Sec. 9. *Extra sessions of General Assembly.* The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Officers whose appointments are not otherwise provided for.

Sec. 10. *Officers whose appointments are not otherwise provided for.* The Governor shall nominate and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Duties of the Lieutenant-Governor.

Sec. 11. *Duties of the Lieutenant Governor.* The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly.

In case of impeachment of Governor, or vacancy caused by death or resignation.

Sec. 12. *In case of impeachment of Governor, or vacancy caused by death or resignation.* In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in any wise become vacant, the powers, duties and emoluments

of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties, and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

Duties of other executive officers.

Sec. 13. *Duties of other executive officers.* The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Council of State.

Sec. 14. *Council of State.* The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall constitute, ex-officio, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose, exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney General shall be, ex-officio, the legal adviser of the executive department.

Compensation of executive officers.

Sec. 15. *Compensation of executive officers.* The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

Sec. 16. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "The Great Seal of the State of North Carolina". All grants and commissions shall be issued in the name

and by the authority of the State of North Carolina, sealed with "The Great Seal of the State", and signed by the Governor, and countersigned by the Secretary of State.

Department of Agriculture, Immigration and Statistics.

Sec. 17. *Department of Agriculture, Immigration, and Statistics.* The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Department of Justice.

Sec. 18. *Department of Justice.* The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney-General, and to enact suitable laws defining the authority of the Attorney-General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.

ARTICLE IV

JUDICIAL DEPARTMENT

Abolishes the distinction between actions at law and suits in equity.

Section 1. *Abolishes the distinction between actions at law and suits in equity, and feigned issues.* The distinction between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the facts at issue tried by order of court before a jury.

Feigned issues abolished.

Division of judicial powers.

Sec. 2. *Division of judicial powers.* The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

Trial court of impeachment.

Sec. 3. *Trial court of impeachment.* The Court for the Trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Impeachment.

Sec. 4. *Impeachment.* The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Treason against the State.

Sec. 5. *Treason against the State.* Treason against the State shall consist only in levying war against it, or adhering to its ene-

mies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Supreme Court.

Sec. 6. *Supreme Court.* The Supreme Court shall consist of a Chief Justice and four Associate Justices. The General Assembly may increase the number of Associate Justices to not more than six, when the work of the Court so requires. The Court shall have power to sit in divisions, when in its judgment this is necessary for the proper dispatch of business, and to make rules for the distribution of business between the divisions and for the hearing of cases by the full Court. No decision of any division shall become the judgment of the Court unless concurred in by a majority of all the justices; and no case involving a construction of the Constitution of the State or of the United States shall be decided except by the Court in banc. All sessions of the Court shall be held in the city of Raleigh. This amendment made to the Constitution of North Carolina shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled or held by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof. (By c. 16, 1937, amending s. 1403 of the Consolidated Statutes, the number of Associate Justices was increased to six.)

Terms of the Supreme Court.

Sec. 7. *Terms of the Supreme Court.* The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

Jurisdiction of Supreme Court.

Sec. 8. *Jurisdiction of Supreme Court.* The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Claims against the State.

Sec. 9. *Claims against the State.* The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial districts for Superior Courts.

Sec. 10. *Judicial districts for Superior Courts.* The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts. (Changed by acts of General Assembly to twenty-one districts.)

Residences of judges, rotation in judicial districts, and special terms.

Sec. 11. *Residences of judges, rotation in judicial districts, and special terms.* Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district; and the General Assembly may by general laws provide for the selection of special or emergency judges to hold the Superior Courts of any county, or district, when the judge assigned thereto, by reason of sickness, disability, or other cause, is unable to attend and hold said court, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the Superior Courts, in the courts which they are so appointed to hold; and the General Assembly shall provide for their reasonable compensation.

Power to provide for special or emergency judges.

Power and authority of emergency judges.

Jurisdiction of courts inferior to Supreme Court.

Sec. 12. *Jurisdiction of courts inferior to Supreme Court.* The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

In case of waiver of trial by jury.

Sec. 13. *In case of waiver of trial by jury.* In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

Special courts in cities.

Sec. 14. *Special courts in cities.* The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

Clerk of Supreme Court.

Sec. 15. *Clerk of the Supreme Court.* The clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Election of Superior Court clerk.

Sec. 16. *Election of Superior Court clerk.* A clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Term of office.

Sec. 17. *Term of office.* Clerks of the Superior Courts shall hold their offices for four years.

Fees, salaries and emoluments.

Sec. 18. *Fees, salaries, and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office.

What laws are, and shall be, in force.

Sec. 19. *What laws are, and shall be, in force.* The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be in force until lawfully altered.

Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.

Sec. 20. *Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.* Actions at law and suits in equity pending when this Constitution shall go into effect shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Justices of Supreme Court, election of.

Sec. 21. *Elections, terms of office, etc., of Justices of the Supreme and Judges of the Superior Courts.* The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Term of office.

Judges of Superior Court, election of.

Transaction of business in the Superior Courts.

SEC. 22. *Transaction of business in the Superior Courts.* The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Solicitors for each judicial district.

Sec. 23. *Solicitors and Solicitorial Districts.* The State shall be divided into twenty-one solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State in all criminal actions in the Superior Courts, and advise the officers of justice in his district. But the General Assembly may reduce or increase the number of the solicitorial districts, which need not correspond to, or be the same as, the judicial districts of the State.

Sheriffs and coroners.

Sec. 24. *Sheriffs and Coroners.* In each county a sheriff and a coroner shall be elected by the qualified voters thereof as is prescribed for the members of the General Assembly, and shall hold their offices for a period of four years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for a period of two years. When there is no

coroner in a county the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term.

Vacancies.

Sec. 25. *Vacancies.* All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Terms of office of first officers.

Sec. 26. *Terms of office of first officers.* The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them, respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Jurisdiction of justices of the peace.

Sec. 27. *Jurisdiction of justices of the peace.* The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom the judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom the judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file same with the clerk of the Superior Court for his county.

Vacancies in office of justices.

Sec. 28. *Vacancies in office of justices.* When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

Vacancies in office of Superior Court clerk.

Sec. 29. *Vacancies in office of Superior Court clerk.* In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure

by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Officers of other courts inferior to Supreme Court.

Sec. 30. *Officers of other courts inferior to Supreme Court.* In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Removal of judges of various courts for inability.

Sec. 31. *Removal of judges of the various courts for inability.* Any judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The judge or presiding officer against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

Removal of clerks of the various courts for inability.

Sec. 32. *Removal of clerks of the various courts for inability.* Any clerk of the Supreme Court, or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the clerk of the Supreme Court by the judges of said court, the clerks of the Superior Courts by the judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

Amendments not to vacate existing offices.

Sec. 33. *Amendments not to vacate existing offices.* The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

ARTICLE V

REVENUE AND TAXATION

Capitation tax.

Section 1. *Capitation tax; exemptions.* The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be

levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

Exemptions.

Applications of proceeds of State and county capitation tax.

Sec. 2. *Application of proceeds of State and county capitation tax.* The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

State taxation.

Sec. 3. *State taxation.* The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended, or contracted away. Taxes on property shall be uniform as to each class of property taxed. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object to which it is to be applied. The General Assembly may also tax trades, professions, franchises, and incomes: *Provided,* the rate of tax on income shall not in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to-wit: for married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less than $1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

Taxes uniform as to each class of property taxed.

Exemptions.

Limitations upon the increase of public debts.

Sec. 4. *Limitations upon the increase of public debts.* The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit, for the following purposes: To fund or refund a valid existing debt; to borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes; to supply a casual deficit; to suppress riots or insurrections, or to repel invasions. For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation,

except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

Property exempt from taxation.

Sec. 5. *Property exempt from taxation.* Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars. The General Assembly may exempt from taxation not exceeding one thousand dollars ($1,000.00) in value of property held and used as the place of residence of the owner.

Taxes levied for counties.

Sec. 6. *Taxes levied for counties.* The total of the State and county tax on property shall not exceed fifteen cents on the one hundred dollars value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: *Provided,* this limitation shall not apply to taxes levied for the maintenance of public schools of the State for the term required by article nine, section three, of the Constitution: *Provided, further,* the State tax shall not exceed five cents on the one hundred dollars value of property.

Acts levying taxes shall state objects, etc.

Sec. 7. *Acts levying taxes shall state objects, etc.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

Who may vote.

Section 1. *Who may vote.* Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided. (The 19th amendment to the United States Constitution, ratified Aug. 6, 1920, provided that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." North Carolina accordingly by c. 18, Extra Session 1920, provided for the registration and voting of women.)

Qualifications of voters.

Sec. 2. *Qualifications of voters.* He shall reside in the State of North Carolina for one year, and in the precinct, ward, or other election district in which he offers to vote four months next preceding the election: *Provided,* that removal from one precinct, ward, or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward,

or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law.

Voters to be registered.

Sec. 3. *Voters to be registered.* Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

General Assembly to provide registration laws.

Qualifications for registration.

Sec. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided,* he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration; and all persons so registered shall forever thereafter have the right to vote in all elections by the people of this State, unless disqualified under section 2 of this article.

Registration of persons entitled to vote without educational qualifications.

Permanent record.

Amendment indivisible.

Sec. 5. *Indivisible plan; legislative intent.* That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.

Elections by people and General Assembly.

Sec. 6. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce.*

Eligibility to office; official oath.

Sec. 7. *Eligibility to office; official oath.* Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, ..., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as..... So help me, God."

Sec. 8. *Disqualification for office.* The following classes of persons shall be disqualified for office: *First,* all persons who shall deny the being of Almighty God. *Second,* all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law. Disqualification for office.

Sec. 9. *When this chapter operative.* That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment. When this chapter operative.

ARTICLE VII

MUNICIPAL CORPORATIONS

Section 1. *County officers.* In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners. (Under authority of the Public Laws of 1935, c. 362, s. 13, provision was made for the quadrennial election of registers of deeds, certain counties being exempted.) County officers.

Sec. 2. *Duty of county commissioners.* It shall be the duty of the commissioners to exercise general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be *ex officio* clerk of the board of commissioners. Duty of county commissioners.

Sec. 3. *Counties to be divided into districts.* It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869. Counties to be divided into districts.

Sec. 4. *Townships have corporate powers.* Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships. Townships have corporate powers.

Sec. 5. *Officers of townships.* In each township there shall be biennially elected, by the qualified voters thereof, a clerk and two justices of the peace, who shall constitute a board of trustees, and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of justices of the peace in cities and towns, and in those townships in which cities and towns are Officers of townships.

situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law. (Amended by c. 141, 1877.)

Trustees shall assess property.

Sec. 6. *Trustees shall assess property.* The township board of trustees shall assess the taxable property of their townships and make returns to the county commissioners for revision, as may be prescribed by law. The clerk shall be, *ex officio*, treasurer of the township.

No debt or loan except by a majority of voters.

Sec. 7. *No debt or loan except by a majority of voters.* No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

Drawing of money.

Sec. 8. *No money drawn except by law.* No money shall be drawn from any county or township treasury except by authority of law.

When officers enter on duty.

Sec. 9. *When officers enter on duty.* The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Governor to appoint justices.

Sec. 10. *Governor to appoint justices.* The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five, and six of this article shall have been carried into effect.

Charters to remain in force until legally changed.

Sec. 11. *Charters to remain in force until legally changed.* All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Debts in aid of the rebellion not to be paid.

Sec. 12. *Debts in aid of the rebellion not to be paid.* No county, city, town, or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid of or support of the rebellion.

Powers of General Assembly over municipal corporations.

Sec. 13. *Powers of General Assembly over municipal corporations.* The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place, except sections seven, nine and thirteen. (Recent amendment repealed old section 9 and renumbered sections 10-14.) (Under the general authority of this section several statutory amendments have been made. See notes supra, ss. 1 and 5.)

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

Restrictions of legislative powers as to corporations.

Section 1. *Corporations under general laws.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations, and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

Organization of corporations.

Debts of corporations, how secured.

Sec. 2. *Debits of corporations, how secured.* Dues from corporations shall be secured by such individual liabilities of the corporations, and other means, as may be prescribed by law.

What corporations shall include.

Sec. 3. *What corporations shall include.* The term "Corporation" as used in this article shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

General laws for organization and government of municipalities.

Sec. 4. *Legislature to provide for organizing cities, towns, etc.* It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

ARTICLE IX

EDUCATION

Education shall be encouraged.

Section 1. *Education shall be encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

General Assembly shall provide for schools.

Sec. 2. *General Assembly shall provide for schools; separation of the races.* The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

Separation of races.

Counties to be divided into districts.

Sec. 3. *Counties to be divided into districts.* Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

What property shall be devoted to educational purposes.

Sec. 4. *What property devoted to educational purposes.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts, or devices that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

County school fund.

Sec. 5. *County school fund; proviso.* All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: *Provided,* that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Proviso.

Election of trustees and provisions for maintenance of the University.

Sec. 6. *Election of trustees, and provisions for maintenance, of the University.* The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises, and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

Benefits of the University.

Sec. 7. *Benefits of the University.* The General Assembly shall provide that the benefits of the University, or far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Creation of State Board of Education.

Sec. 8. *State Board of Education.* The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: Two Members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The board shall elect a chairman and vice chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly.

Membership.

Confirmation of appointive members.

Appointment and terms of members.

Vacancy appointments.

Quorum at meetings.

Compensation of appointive members.

Powers and duties of State Board of Education.

Sec. 9. *Powers and Duties of the Board.* The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with this constitution and subject to such laws as may be enacted from time to time by the General Assembly.

Exercise of powers in conformity with Constitution and Statutes.

Agricultural department.

Sec. 10. *Agricultural department.* As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining, and of normal instruction.

Children must attend school.

Sec. 11. *Children must attend school.* The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

Exemptions of personal property.

Section 1. *Exemptions of personal property.* The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court issued for the collection of any debt.

Homestead.

Sec. 2. *Homestead.* Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town, or village with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, snall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

Homestead exemption from debt.

Sec. 3. *Homestead exemption from debt.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any of them.

Laborer's lien.

Sec. 4. *Laborer's lien.* The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Benefit of widow.

Sec. 5. *Benefit of widow.* If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

Property of married women secured to them.

Sec. 6. *Property of married women secured to them.* The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised, and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

Husband may insure his life for the benefit of wife and children.

Sec. 7. *Husband may insure his life for the benefit of wife and children.* The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the hus-

band the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors. And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children.

How deed for homestead may be made.

Sec. 8. *How deed for homestead may be made.* Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the signature and acknowledgement of his wife.

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES

Punishments.

Section 1. *Punishments; convict labor; proviso.* The following punishments only shall be known to the laws of this State, viz.: death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson; *Provided,* that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.

Convict labor.

Proviso.

Death punishment.

Sec. 2. *Death punishment.* The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

Penitentiary.

Sec. 3. *Penitentiary.* The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.

Houses of correction.

Sec. 4. *Houses of correction.* The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

Houses of refuge.

Sec. 5. *Houses of refuge.* A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.

The sexes to be separated.

Sec. 6. *The sexes to be separated.* It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, county jails, and city police prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

Provision for the poor and orphans.

Sec. 7. *Provision for the poor and orphans.* Beneficient provisions for the poor, the unfortunate, and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Orphan houses.

Sec. 8. *Orphan houses.* There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated, and taught some business or trade.

Inebriates and idiots.

Sec. 9. *Inebriates and idiots.* It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

Deaf-mutes, blind, and insane.

Sec. 10. *Deaf mutes, blind, and insane.* The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State.

Self-supporting.

Sec. 11. *Self-supporting.* It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII

MILITIA

Who are liable to militia duty.

Section 1. *Who are liable to militia duty.* All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided,* that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

Proviso.

Organizing, etc.

Sec. 2. *Organizing, etc.* The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into active service.

Governor commander-in-chief.

Sec. 3. *Governor commander-in-chief.* The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion.

Exemptions.

Sec. 4. *Exemptions.* The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII

AMENDMENTS

Convention, how called.

Section 1. *Convention, how called.* No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all of the members of each House of the General Assembly, and except the proposition, Convention or NO Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

How the Constitution may be altered.

Sec. 2. *How the Constitution may be altered.* No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV

MISCELLANEOUS

Indictments.

Section 1. *Indictments.* All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Penalty for fighting duel.

Sec. 2. *Penalty for fighting duel.* No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

Drawing money.

Sec. 3. *Drawing money.* No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

Mechanic's lien.

Sec. 4. *Mechanic's lien.* The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

Governor to make appointments.

Sec. 5. *Governor to make appointments.* In the absence of any contrary provision, all officers of this State, whether heretofore elected or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

Seat of government.

Sec. 6. *Seat of government.* The seat of government in this State shall remain at the city of Raleigh.

Holding office.

Sec. 7. *Holding office.* No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided,* that nothing herein contained shall extend to officers in the militia, notaries public, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Proviso.

Intermarriage of whites and negroes prohibited.

Sec. 8. *Intermarriage of whites and Negroes prohibited.* All marriages between a white person and a Negro, or between a white person and a person of Negro descent to the third generation, inclusive, are hereby forever prohibited.

INDEX

Abuses in assessments and contracting debts by municipal corporations, general assembly to prevent, A. 8, S. 4.
Actions at law and equity suits, no distinctions. A. 4, S. 1.
pending when constitution took effect. A, 4, S. 20.
Acts of general assembly, style of. A. 2, S. 21.
levying taxes, must state object. A. 5, S. 7.
Agricultural department. A. 3, S. 17.
in connection with university. A. 9, S. 10.
Alimony, general assembly does not secure. A. 2, S. 10.
Allegiance to United States government. A. 1, S. 5.
Alleys, laws authorizing, etc. A. 2, S. 29.
Amendments. A. 13.
do not vacate existing office. A. 4, S. 33.
Answer to criminal charge. A. 1, S. 12.
Apportionment of senators and representatives. A. 2, SS. 4, 5, 6.
Arms, right to bear. A. 1, S. 24.
Article seven, general assembly may modify or repeal certain sections. A. 7, S. 14.
Assemblage, right of. A. 1, S. 25.
Assessment or collection of taxes, extending time for. A. 2, S. 29.
Attorney-general advises executive. A. 3, S. 14.
duties of. A. 3, S. 13.
Auditor, duties of. A. 3, S. 13.
Bail, excessive. A. 1, S. 14.
Ballot, elections to be by. A. 6, S. 6.
Bills of general assembly, read three times. A. 2, S. 23.
Blind provided for. A. 11, S. 10.
Board of charities. A. 11, S. 7.
Boundaries of state. A. 1, S. 34.
Bridges, laws relating to. A. 2, S. 29.
Capital punishment. A. 11, S. 2.
Capitation tax. A. 5, S. 1.
application of proceeds from. A. 5, S. 2.
exemptions. A. 5, S. 1.
Cemeteries, laws relating to. A. 2, S. 29.
Charities, public. A. 11.
deaf-mutes and the blind. A. 11, S. 10.
idiots and inebriates. A. 11, S. 9.
provisions for orphans and the poor. A. 11, S. 7.
self-supporting as far as possible. A. 11, S. 11.
Cities, laws changing names of. A. 2, S. 29.
organized by legislation. A. 8, S. 4.
Citizenship, restoration to. A. 2, S. 11.
Civil and criminal actions. A. 4, S. 1.
Claims against the state. A. 4, S. 9.
Clerks of superior court, election of. A. 4, S. 16.
removal for inability. A. 4, S. 32.
terms of office of. A. 4, S. 17.
Clerk of supreme court. A. 4, S. 15.
removal of. A. 4, S. 32.
term of office of. A. 4, S. 15.
Collection of taxes, extending time for. A. 2, S. 29.
Collector of taxes, law relieving. A. 2, S. 29.
Commissioner of Agriculture. A. 3, S. 1 and 13.
Commissioner of Insurance. A. 3, S. 1 and 13.
Commissioner of Labor. A. 3, S. 1 and 13.

Communications. A. 3, S. 6.
Compulsory education, general assembly may provide. A. 9, S. 15.
Concealed weapons, carrying not justified. A. 1, S. 24.
Constitution, how changed. A. 13, S. 2.
Controversies at law about property. A. 1, S. 19.
Convention, how called. A. 13, S. 1.
Convict labor. A. 11, S. 1.
Coroner and sheriff. A. 4, S. 24.
Corporations, municipal. A. 7.
charters remain in force till legally changed. A. 7, S. 11.
power of general assembly over. A. 7, S. 14; A. 8, S. 4.
Corporations, other than municipal. A. 8.
debts of, how secured. A. 8, S. 2.
special charters prohibited. A. 8, S. 1.
Correction, houses of. A. 11, S. 4.
Council of state. A. 3, S. 14.
Counsel allowed defendant. A. 1, S. 11.
Counties, commissioners divide into districts. A. 7, S. 3.
districts have corporate powers as townships. A. 7, S. 4.
majority of voters necessary to levy taxes, etc. A. 7, S. 7.
money, how drawn from treasury. A. 7, S. 8.
officers enter on duty, when. A. 7, S. 10.
of townships. A. 7, S. 5.
school districts. A. 9, S. 3.
fund. A. 9, S. 5.
Counties, taxes to be ad valorem. A. 7, S. 9.
township trustees assess property. A. 7, S. 6.
County treasurer. A. 7, S. 1.
County commissioners, election and duty of. A. 7, SS. 1, 2.
Courts to be open. A. 1, S. 35.
inferior, laws relating to establishment of. A. 2, S. 29; A. 4, S. 12.
kinds of. A. 4, S. 2.
Criminal and civil action. A. 4, S. 1.
courts for cities and towns. A. 4, S. 14.
prosecutions. A. 1, S. 11.
Criminal charges, answer to. A. 1, S. 12.
Deaf-mutes provided for. A. 11, S. 10.
Death punishment. A. 11, S. 2.
Debt, does not affect homestead. A. 10, S. 3.
county, city or town cannot contract, except by majority of qualified voters. A. 7, S. 7.
imprisonment for. A. 1, S. 16.
in aid of rebellion, void. A. 7, S. 12.
restrictions upon increase of public, etc. A. 5, S. 4.
what bonds declared invalid. A. 1, S. 6.
Declaration of rights. A. 1.
Deeds, laws giving effect to. A. 2, S. 29.
Department of agriculture. A. 3, S. 17.
Department of justice. A. 3, S. 18.
Disqualification for office. A. 6, S. 8; A. 14, S. 7.
dueling disqualifies. A. 14, S. 2.
Divorce, general assembly does not grant. A. 2, S. 10.
Education.
county school fund. A. 9, S. 5.
encouraged. A. 1, S. 27; A. 9, S. 1.
expenses. A. 9, S. 8.
officers. A. 9, S. 8.
power of. A. 9, S. 9.
property devoted to. A. 9, SS. 4, 5.
quorum. A. 9, S. 8.
state board of. A. 9, S. 8.
Elections of officers by general assembly, *viva voce*. A. 2, S. 9.

Elections, by people by ballot and by general assembly, *viva voce*. A. 6, S. 6.
contested, returns of. A. 3, S. 3.
fee. A. 1, S. 10.
frequent. A. 1, S. 28.
Electors, qualifications of. A. 6, SS. 1, 2, 3.
registration of. A. 6, SS. 3, 4.
Eligibility to office. A. 6.
Emergency judges. A. 4, S. 11.
Emoluments, exclusive, none. A. 1, S. 7.
hereditary. A. 1, S. 30.
Entails to be regulated. A. 2, S. 15.
Enumeration of rights not to impair others retained by people. A. 1, S. 37.
Equity suits and actions at law, distinction abolished. A. 4, S. 1.
pending when constitution took effect. A. 4, S. 20.
Evidence against himself, criminal not compelled to give. A. 1, S. 11.
Executive, attorney-general advises. A. 3, S. 14.
department of. A. 3.
distinct. A. 1, S. 8.
officers. A. 3, S. 1.
compensation. A. 3, S. 15.
duties. A. 3, S. 13.
reports of. A. 3, S. 7.
terms of office of. A. 3, S. 1.
seal of state. A. 3, S. 16.
vacancy in, how filled. A. 3, S. 13.
Exemption, personal property. A. 10, S. 1.
by reason of military duty, etc. A. 12, S. 4.
property of *feme covert* not liable for husband's debts. A. 10, S. 6.
Ex post facto laws. A. 1, S. 32.
Extra session of general assembly. A. 3, S. 9.
Feigned issues abolished. A. 4, S. 1.
Ferries, laws relating to. A. 2, S. 29.
Fines, excessive. A. 1, S. 14.
laws remitting fines, etc. A. 2, S. 29.
Forfeitures, laws remitting. A. 2, S. 29.
Freedom of the press. A. 1, S. 20.
Fundamental principles, frequent recurrence to. A. 1, S. 29.
General assembly, acts, style of. A. 2, S. 21.
article seven may be modified or repealed by. A. 7, S. 14.
bills and resolutions read three times. A. 2, S. 23.
compulsory education may be enforced by. A. 9, S. 15.
elections by, to be *viva voce*. A. 6, S. 6.
entails regulated by. A. 2, S. 15.
extra sessions. A. 2, S. 28; A. 3, S. 9.
journals kept. A. 2, S. 16.
protests entered on. A. 2, S. 17.
General assembly, meetings of, when. A. 2, S. 2.
members, election for, when. A. 2, S. 27.
oath of. A. 2, S. 24.
office a disqualification. A. 14, S. 7.
terms commence with elections. A. 2, S. 25.
vacancies, how filled. A. 2, S. 13.
municipal corporations controlled by. A. 7, S. 14.
names, personal, not changed by. A. 2, S. 11.
non-navigable streams, laws relating to. A. 2, S. 29.
officers of, election, *viva voce*. A. 2, S. 9.
pay of. A. 2, S. 28.
president of senate. A. 2, S. 19.
speaker of house. A. 2, S. 18.
powers of. A. 2, S. 22.
in relation to divorce and alimony. A. 2, S. 10.
in relation to private or special legislation. A. 2, S. 29.

representation apportioned by. A. 2, SS. 4, 5.
revenue. A. 2, S. 14.
schools provided by. A. 9, S. 2.
university to be maintained by. A. 9, SS. 6, 7.
yeas and nays. A. 2, SS. 14, 26.
Government, allegiance to United States. A. 1, S. 5.
internal, of state. A. 1, S. 3.
origin of. A. 1, S. 2.
seat of, remains at Raleigh. A. 14, S. 6.
Governor, commands militia. A. 3, S. 8.
commutations, pardons, reprieves. A. 3, S. 6.
compensation. A. 3, S. 15.
duties performed by lieutenant-governor, when. A. 3, S. 12.
extra sessions called by. A. 3, S. 9.
impeachment of. A. 3, S. 12.
justices of peace, appointed by, when. A. 7, S. 11.
lieutenant, qualification of. A. 3, S. 2.
oath of office. A. 3, S. 4.
officers appointed by. A. 3, S. 10; A. 14, S. 5.
qualification of. A. 3, S. 2.
resident of. A. 3, S. 5.
vacancy in office of. A. 3, S. 12.
Health, laws relating to. A. 2, S. 29.
Habeas corpus. A. 1, S. 21.
Hereditary emoluments. A. 1, S. 30.
Highways, laws authorizing, etc. A. 2, S. 29.
Homestead and exemption. A. 10, S. 2.
benefit of widow in. A. 10, S. 5.
exempted from debt. A. 10, S. 3.
exempted from taxes. A. 5, S. 5.
laborer's lien attaches. A. 10, S. 4.
privy examination of wife to dispose of. A. 10, S. 8.
Houses of correction. A. 11, S. 4.
Houses of refuge. A. 11, S. 5.
House of Representatives, representatives, apportionment. A. 2, S. 5.
officers of. A. 2, S. 18.
qualification for. A. 2, S. 8.
ratio of. A. 2, S. 6.
terms, begins when. A. 2, S. 25.
Husband can insure life for benefit of family. A. 10, S. 7.
Idiots provided for. A. 11, S. 9.
Immigration, department of. A. 3, S. 17.
Impeachment. A. 4, S. 4.
court of. A. 4, S. 3.
of governor. A. 3, S. 12.
Imprisonment for debt. A. 1, S. 16.
except by law, wrong. A. 1, S. 17.
income tax. A. 5, S. 3.
Indictments for crime committed before constitution took effect. A. 14, S. 1.
Inebriates. A. 11, S. 9.
Inferior courts. A. 4, S. 12.
officers of. A. 4, S. 30.
Insane, provided for. A. 11, S. 10.
Institutions, charitable. A. 11.
penal. A. 11.
public, annual reports from. A. 3, S. 7.
self-supporting as far as possible. A. 11, S. 11.
sexes to be separated. A. 11, S. 6.
Instruction, superintendent of public. A. 3, S. 13.
Intermarriage of whites and negroes prohibited. A. 14, S. 8.
Internal government of state. A. 1, S. 3.
Issues of fact, by whom tried and how waived. A. 4, S. 13.
Judges, election, terms of, etc. A. 4, S. 21.

fees, salaries, emoluments. A. 4, S. 18.
removal of, for inability. A. 4, S. 31.
residence of. A. 4, S. 11.
special or emergency. A. 4, S. 11.
Judicial department. A. 4.
districts for superior courts. A. 4, S. 10.
general assembly not to deprive of jurisdiction. A. 4, S. 12.
powers, divisions of. A. 4, S. 2.
supreme court. A. 4, S. 6.
terms of first officers under constitution. A. 4, S. 26.
vacancies. A. 4, S. 25.
Judicial remedy, allowed all. A. 1, S. 35.
Judiciary distinct. A. 1, S. 8.
Jurisdiction, courts inferior to supreme. A. 4, S. 12.
justices of the peace. A. 4, S. 27.
supreme court. A. 4, S. 8.
Jurors, laws relating to pay of. A. 2, S. 29.
Jury, right of. A. 1, S. 13.
sacred and inviolable. A. 1, S. 19.
trial by, waived. A. 4, S. 13.
Justice, department of. A. 3, S. 18.
Justices of the peace, governor appoints, when. A. 7, S. 10.
jurisdiction of. A. 4, S. 27.
laws relating to appointment of. A. 2, S. 29.
vacancies in office. A. 4, S. 28.
Labor, etc., laws regulating. A. 2, S. 29.
Laborers and mechanics' lien. A. 14, S. 4.
attaches to homestead. A. 10, S. 4.
Law of land, no person imprisoned, or deprived of life, etc., but by. A. 1, S. 17.
Laws, *ex post facto* and retrospective. A. 1, S. 32.
private, thirty days' notice before passage. A. 2, S. 12.
what in force. A. 4, S. 19.
Legislative department, distinct. A. 1, S. 8.
Legislature, two branches of. A. 2, S. 1.
provide for organizing towns, etc. A. 8, S. 4.
trials other than jury. A. 1, S. 13.
Legitimation, general assembly can pass general laws for. A. 2, S. 11.
Liberty, deprivation of, except by law. A. 1, S. 17.
religious. A. 1, S. 26.
restrained of, remedied. A. 1, S. 18.
warrants without evidence, dangerous to. A. 1, S. 15.
Lien of laborers and mechanics. A. 14, S. 4.
Lieutenant-governor, president of senate, duties of. A. 3, S. 11.
when governor. A. 3, S. 12.
Literary fund, board of education to succeed to rights of. A. 9, S. 9.
Local legislation prohibited. A. 2, S. 29.
Manufacturing, laws regulating. A. 2, S. 29.
Marriages between whites and negroes forbidden. A. 14, S. 8.
Married women, husband can insure life for benefit of. A. 10, S. 7.
privy examination of, to dispose of homestead. A. 10, S. 8.
property of, not liable for husband's debts. A. 10, S. 6.
Mechanics' lien. A. 14, S. 4.
Men, equality, rights of. A. 1, S. 1.
Militia. A. 1, S. 24; A. 12.
exemptions from duty. A. 12, S. 4.
governor commands. A. 3, S. 8; A. 12, S. 3.
organization of. A. 12, S. 2.
who liable to bear arms. A. 12, S. 1.
Mining, laws regulating. A. 2, S. 29.
Money, how drawn from state treasury. A. 14, S. 3.
county or township treasury. A. 7, S. 8.
paid into treasury, refunding. A. 2, S. 29.
Monopolies are injurious. A. 1, S. 31.

Mortgages given for price of home, etc. A. 5, S. 3.
Municipal corporations. A. 7.
cannot contract debt except by majority of qualified voters. A. 7, S. 7.
charters remain in force till changed. A. 7, S. 12.
general assembly to provide for organization of; taxation, etc., by. A. 8, S. 4.
powers of general assembly over. A. 7, S. 14; A. 8, S. 4.
special charter prohibited. A. 8, S. 4.
Names of cities, towns and townships, laws changing. A. 2, S. 29.
Names, personal, how changed. A. 2, S. 11.
Normal school to be maintained by general assembly at university. A. 9, S. 14.
Notes given for price of home, not taxable. A. 5, S. 3.
Nuisances, laws relating to abatement of. A. 2, S. 29.
Oath of governor. A. 3, S. 4.
Oath of member of general assembly. A. 2, S. 24.
Oath of office. A. 6, S. 7.
Office, cannot hold two. A. 14, S. 7.
disqualification. A. 6, S. 8.
dueling disqualifies for. A. 14, S. 2.
eligibility to. A. 6.
qualifications, property, none. A. 1, S. 22.
Officers, county. A. 7, SS. 1, 9.
first elected. A. 4, S. 26.
what, appointed by governor. A. 3, S. 10; A. 14, S. 5.
Orphans, houses for. A. 11, S. 8.
provision for. A. 11, S. 7.
Pardons. A. 3, S. 6.
Peace, soldiers quartered in time of. A. 1, S. 36.
Penalties, laws remitting. A. 2, S. 29.
Penitentiary. A. 11, S. 3.
convict labor. A. 11, S. 1.
self-supporting as far as possible. A. 11, S. 11.
sexes separated. A. 11, S. 6.
People, right of, to assemble together. A. 1, S. 25.
Perpetuities, injurious. A. 1, S. 31.
general assembly shall prevent. A. 2, S. 15.
Political power and government. A. 1, S. 2.
societies in secret dangerous. A. 1, S. 25.
Poll tax. A. 5, S. 1.
Poor, provision for. A. 11, S. 7.
Power of general assembly. A. 2, S. 22.
to suspend laws, injurious. A, 1, S. 9.
Powers, executive, judicial and legislative, distinct. A. 1, S. 8.
judicial, division of. A. 4, S. 2.
Press, freedom and abuse of. A. 1, S. 20.
Principles, recurrence to fundamental. A. 1, S. 29.
Prisoners, health and comfort secured. A. 11, S. 6.
Private laws. A. 2, SS. 11, 12.
local or special legislation. A. 2, S. 29.
Privileges, exclusive, none. A. 1, S. 7.
Property, controversies at law about. A. 1, S. 19.
deprivation of, except by law, wrong. A. 1, S. 17.
devoted to education. A. 9, S. 4.
exemptions from taxation. A. 5, S. 5.
qualifications, none. A. 1, S. 22.
Prosecution, criminal. A. 1, S. 11.
Protest, against act or resolves, by whom and when made. A. 2, S. 17.
Public debt, increase of, limitations, etc. A. 5, S. 4.
what bonds declared invalid. A. 1, S. 6.
Public moneys, how drawn. A. 14, S. 3.
Public schools, general assembly to provide for. A. 9, S. 2.
Punishment penal institutions and public charities. A. 11.
cruel or unusual. A. 1, S. 14; A. 14, S. 1.

Qualifications and election of members of general assembly, each house judge of. A. 2, S. 22.
Rebellion, debt in aid of, not to be paid. A. 7, S. 13.
Recurrence to fundamental principles. A. 1, S. 29.
Refuge, houses of. A. 11, S. 5.
Register of deeds. A. 7, S. 1.
Registration of electors. A. 6, SS. 3, 4.
Religious liberty. A. 1, S. 26.
scruples against bearing arms. A. 12, S. 1.
Removal of judges. A. 4, S. 31.
of clerks. A. 4, S. 32.
Representation and taxation. A. 1, S. 23.
Reprieves. A. 3, S. 6.
Retrospective laws. A. 1, S. 32.
Revenue. A. 2, S. 14; A. 5.
Right of assemblage. A. 1, S. 25.
of jury. A. 1, S. 13.
of secession, none. A. 1, S. 4.
to bear arms. A. 1, S. 24.
to suspend laws, injurious. A. 1, S. 9.
Rights, declaration of. A. 1.
of men. A. 1, SS. 1, 37.
Salaries and fees of officers of judicial department, general assembly regulates. A. 4, S. 18.
Sanitation, laws relating to. A. 2, S. 29.
School districts, laws establishing or changing lines. A. 2, S. 29.
Schools, attendance of children. A. 9, S. 11.
county, divided into districts. A. 9, S. 3.
fund. A. 9, S. 5.
provided by legislature. A. 9, S. 2.
races separate. A. 9, S. 2.
term, six months required. A. 9, S. 3.
Seal of State. A. 3, S. 16.
Search warrants without evidence wrong. A. 1, S. 15.
Seat of government at Raleigh. A. 14, S. 6.
Secession, no right of. A. 1, S. 4.
Secretary of state, duties of. A. 3, S. 13.
Senate presiding officer. A. 2, S. 19.
pro tem, speaker, when elected. A. 2, S. 20.
Senators, number of. A. 2, S. 3.
president of. A. 2, S. 19.
qualifications for. A. 2, S. 7.
regulating senatorial districts. A. 2, S. 4.
senatorial officers. A. 2, S. 20.
Separation of governmental powers. A. 1, S. 8.
Sexes separated in confinement. A. 11, S. 6.
Sheriff and coroner. A. 4, S. 24.
Slavery prohibited. A. 1, S. 33.
Societies, secret political, dangerous. A. 1, S. 25.
Soldiers, how quartered. A. 1, S. 36.
Solicitor, how elected. A. 4, S. 23.
Special courts. A. 4, S. 14.
Special legislation, powers of general assembly as to. A. 2, S. 29.
State boundaries. A. 1, S. 34.
claims against. A. 4, S. 9.
internal government. A. 1, S. 3.
Statistics, department of. A. 3, S. 17.
Streets, laws authorizing, etc. A. 2, S. 29.
Suffrage and eligibility to office. A. 6.
Superintendent of public instruction. A. 3, S. 13.
reports of county school fund to be made. A. 9, S. 5.
Superior court, open at all times except for jury trials. A. 4, S. 22.
clerk, his election. A. 4, S. 16.

removal from office. A. 4, S. 32.
term. A. 4, S. 17.
vacancy. A. 4, SS. 2, 9.
districts. A. 4, S. 10.
judges, election and term. A. 4, S. 21.
residence. A. 4, S. 11.
rotation. A. 4, S. 11.
solicitor for each district. A. 4, S. 23.
special term. A. 4, S. 11.
terms, annually in counties. A. 4, S. 10.
transaction of business, to be open for. A. 4, S. 22.
Supreme court clerk. A. 4, S. 15.
clerk, removal from office. A. 4, S. 32.
jurisdiction. A. 4, SS. 8, 9.
justices. A. 4, S. 6.
election and terms of. A. 4, S. 21.
terms of. A. 4, S. 7.
Surveyor, county. A. 7, S. 1.
Suspending laws without consent of representatives, forbidden. A. 1, S. 9.
Taxation, uniform as to each class. A. 5, S. 3.
and revenue. A. 1, S. 23; A. 5.
except for necessary expenses, not levied by county, city or town without assent of majority of voters. A. 7, S. 7.
income. A. 5, S. 3.
levied by county commissioners. A. 5, S. 6.
of purchases and sales retrospectively not to be passed. A. 1, S. 32.
property, exemptions from. A. 5, S. 5.
Taxes, acts to levy, to state object. A. 5, S. 7.
Towns, etc., organized by legislature. A. 8, S. 4.
Towns, laws changing names of. A. 2, S. 29.
Townships, officers of. A. 7, S. 5.
laws changing names of. A. 2, S. 29.
laws erecting, changing lines. A. 2, S. 29.
Trade, laws regulating. A. 2, S. 29.
Trials on against state. A. 4, S. 5.
Treasurer, duties of. A. 3, S. 13.
University, agricultural department of, mechanics, mining and normal instruction connected with. A. 9, S. 14.
benefits of. A. 9, S. 7.
election of trustees. A. 9, S. 6.
general assembly shall maintain. A. 9, S. 7.
maintenance of. A. 9, S. 6.
property devoted to. A. 9, S. 7.
Vacancies in general assembly. A. 2, S. 13.
other. A. 3, SS. 12, 13; A. 4, SS. 25, 28, 29.
Vagrants, houses of correction for. A. 11, S. 4.
Warrants without evidence injurious. A. 1, S. 15.
Whites and negroes cannot intermarry. A. 14, S. 8.
separated in schools. A. 9, S. 2.
Widow, homestead benefits. A. 10, S. 5.
Wills, laws giving effect to. A. 2, S. 29.
Yeas and nays, when entered. A. 2, SS. 14, 26.

LAWS

S. B. 1 **CHAPTER 1**

AN ACT TO FIX THE SALARY OF THE LIEUTENANT GOVERNOR.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and forty-seven - thirty-three of the General Statutes of North Carolina be amended by rewriting said section so as to read as follows:

Annual salary of Lieutenant Governor $2100.00 in addition to compensation as presiding officer of Senate.

SEC. 147-33. Compensation of Lieutenant Governor. As authorized by Article III, Section eleven, of the Constitution of North Carolina, the salary of the Lieutenant Governor is hereby fixed at two thousand and one hundred dollars ($2,100.00) per year, which amount shall be in addition to the compensation for the Lieutenant Governor as the presiding officer of the Senate, provided by Article II, Section twenty-eight, of the Constitution of North Carolina. Whenever the Lieutenant Governor shall attend any meeting of State officials, or other meetings which by law he is required to attend, he shall be paid his necessary traveling expenses in going to and from such meetings.

Lieutenant Governor shall receive necessary traveling expenses when attending official meetings.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the first day of January, one thousand nine hundred and forty-five.

Ratified this the 4th day of January, 1945.

H. B. 2 **CHAPTER 2**

AN ACT TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, AND AGENCIES, AND FOR THE SPECIFIC PURPOSE OF CONTINUING THE WAR BONUS FOR PUBLIC SCHOOL TEACHERS AND OTHER STATE EMPLOYEES FOR THE PERIOD FROM JANUARY FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE TO JUNE THIRTIETH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

The General Assembly of North Carolina do enact:

GENERAL FUND

SECTION 1. That supplemental appropriations out of the General Fund of the State for the State's departments, bureaus, institutions, and agencies, and for the specific purpose of continuing the War Bonus for public school teachers and other State employees, are hereby made for the fiscal year ending June thirtieth, one thousand nine hundred and forty-five, according to the following schedule:

War Bonus for teachers and other State employees continued to June 30, 1945.

II. JUDICIAL

1.	Supreme Court—Departmental Expenses	$ 1,478

III. EXECUTIVE AND ADMINISTRATIVE

1.	Governor's Office:	
	(1) Governor's Office	$ 766
	(2) The Budget Bureau	1,534
	(3) Division of Purchase and Contract	550
2.	Secretary of State	1,712
3.	State Auditor	2,116
4.	State Treasurer	1,740
5.	Department of Justice:	
	(1) Attorney General	856
	(2) Bureau of Investigation	1,694
6.	Department of Revenue	31,824
7.	Department of Tax Research	2,874
8.	Department of Public Instruction	4,174
9.	Department of Archives and History	894
10.	State Library	468
11.	Library Commission	612
12.	Board of Charities and Public Welfare:	
	(1) Board of Charities and Public Welfare	2,544
	(2) For use of Eugenics Board	90
13.	State Board of Health:	
	(1) State Board of Health	8,542
	(2) Laboratory of Hygiene	4,136
14.	Adjutant General	762

15.	Utilities Commission:	
	(1) Utilities Commission	966
	(2) Public Utilities, Bus and Railroad Freight Rate Investigations	240
16.	Insurance Department	2,934
17.	Department of Labor:	
	(1) Department of Labor	4,659
	(2) Industrial Commission	2,802
18.	Department of Conservation and Development:	
	(1) Department of Conservation and Development	12,868
	(2) Commercial Fisheries	1,338
19.	State Board of Elections	309
20.	Local Government Commission	294
21.	Department of Agriculture:	
	(1) Weights and Measures	1,050
22.	Board of Public Buildings and Grounds	6,801
23.	State Board of Alcoholic Control	1,206
24.	Rural Electrification Authority	192

IV. EDUCATIONAL INSTITUTIONS

1.	University of North Carolina (Consolidated)	$132,987
2.	Experiment Station—State College	13,384
3.	Cooperatve Agricultural Extension—State College	56,244
4.	East Carolina Teachers College	12,714
5.	Negro Agricultural and Technical College	11,990
6.	Western Carolina Teachers College	5,790
7.	Appalachian State Teachers College	11,298
8.	Pembroke State College for Indians	2,082
9.	Winston-Salem Teachers College (Colored)	4,368
10.	Elizabeth City State Teachers College (Colored)	3,382
11.	Fayetteville State Teachers College (Colored)	4,365
12.	North Carolina College for Negroes	8,978
13.	North Carolina School for the Deaf	7,332
14.	State School for the Blind and the Deaf	4,522

V. CHARITABLE AND CORRECTIONAL INSTITUTIONS

1.	State Hospital at Raleigh	$ 33,168
2.	State Hospital at Morganton	5,304
3.	State Hospital at Goldsboro	19,308
4.	Caswell Training School	7,548
5.	North Carolina Orthopedic Hospital	5,832
6.	North Carolina Sanatoria:	
	(1) North Carolina Sanatorium	4,334
	(2) Extension Bureau	284
	(3) Western North Carolina Sanatorium	3,742
	(4) Eastern North Carolina Sanatorium	3,778
7.	Stonewall Jackson Training School	4,098
8.	State Home and Industrial School for Girls	2,070
9.	Morrison Training School (Colored)	2,310

10.	Eastern Carolina Training School	1,440
11.	State Industrial Farm Colony for Women	960
12.	State Training School for Negro Girls	2,172
13.	Confederate Women's Home	662

VI. STATE AID AND OBLIGATIONS

1.	Retirement Teachers and State Employees:	
	(1) Administration	$ 2,266
2.	Blind Aid	2,520
3.	Merit System Council	276
4.	Department of Agriculture:	
	(1) Credit Unions	311
	(2) State Museum	480

IX. PUBLIC SCHOOLS

1.	Support of Nine-Months Term Public Schools		
	Total Required	$2,044,814	
	Less: Amount included in Title IX-1 of Chapter 530 of 1943 and available for this purpose which is hereby reappropriated for provisions of this Act	107,577	
	Net		$1,937,237
2.	Vocational Education		68,936
3.	State Board of Education		2,454
4.	Vocational Textile Training School		822

AGRICULTURE FUND

SEC. 2. That supplemental appropriations out of the Agriculture Fund of the State, for the specific purpose of continuing the War Bonus for employees, are hereby made for the fiscal year ending June thirtieth, one thousand nine hundred and forty-five, according to the following schedule:

1.	Department of Agrculture	$ 14,724

GENERAL PROVISIONS

SEC. 3. That appropriations made to the departments, institutions, boards, commissions, and public schools under Sections one and two of this Act, are for the specific purpose of continuing the War Bonus for public school teachers and other State employees, for the period from January first, one thousand nine hundred and forty-five to June thirtieth, one thousand nine hundred and forty-five, and shall be applied to public school teachers' and other State employees' salaries only as provided in the following schedule:

Annual salaries up to and including $400	$ 5.00 per month
Annual salaries from $401 to $899	10.00 per month
Annual salaries from $900 to $1,800	15.00 per month
Annual salaries from $1,801 to $2,100	16.00 per month
Annual salaries from $2,101 to $2,400	18.00 per month

Annual salaries from $2,401 to $2,700 ..... 20.00 per month
Annual salaries from $2,701 to $3,600 ..... 22.00 per month
Annual salaries from $3,601 to $4,500 ..... 24.00 per month

War Bonus does not apply to part time or temporary employees.

This bonus shall not apply to persons employed on a part time or temporary basis in departments, institutions, agencies, public schools, or to persons employed in institutional summer schools. Deductions shall not be made from this War Bonus under the provisions of Chapter twenty-five of one thousand nine hundred and forty-one "Teachers' and State Employees' Retirement System Act," Section eight, Subsection (1), Subsection (a) and Subsection (5), Subsection (1), Subsection (a).

No deductions from War Bonus for Retirement Fund.

No Bonus for certain groups unless paid by their sponsors.

This bonus shall not apply to operations performed solely for the Army or Navy or any other organizations except the cost be provided by the sponsors. Special funds operated out of Federal or private funds may secure the benefits of the War Bonus plan, provided funds are furnished by the sponsor. The funds appropriated to the departments, institutions, boards, agencies and public schools for the employees' War Bonus shall not be used for any other purpose.

Funds appropriated for War Bonus cannot be be used for other purposes.

Bonus for teachers and other school employees to be same as for other State employees in same salary brackets.

Provided, that public school teachers and other public school employees and teachers and other employees of other educational institutions paid by the State shall receive the same amount of bonus for the fiscal year one thousand nine hundred and forty-four - forty-five as other State employees in the same salary brackets for the said fiscal period, such bonus payments for teachers and other school employees to be paid in installments apportioned to the salaries or wages of such teachers and other school employees in accordance with the methods of payment regularly employed in the payment of such salaries or wages.

Employees, who work less than full period, receive only proportionate share of Bonus.

Provided further, that a regular teacher or other regular State employee who works less than the full period for which said bonus is prescribed shall receive only such proportionate part of said bonus as the period of service of such teacher or other employee is of the total period for which said bonus is prescribed.

Authority to allocate out of Highway and Public Works Fund, Agricultural Fund and other special Funds amount sufficient to meet War Bonus.

The Director of the Budget is authorized, empowered and directed to allocate out of Highway and Public Works Fund, the Agriculture Fund, and other special operating funds employing personnel, the amount sufficient to meet the War Bonus in accordance with the schedule contained herein.

Motor Vehicle Bureau, Highway Patrol, Drivers License and Safety Promotion.

SEC. 4. That transfers are authorized between the appropriations for the Motor Vehicle Bureau and the Highway Patrol, Drivers License and Safety Promotion appropriations, under Titles XII-two, and three of Section three of Chapter

five hundred and thirty of one thousand nine hundred and forty-three being the General Appropriations Act of one thousand nine hundred and forty-three.

SEC. 5. This Act shall be in full force and effect after its ratification.

Ratified this the 10th day of January, 1945.

H. B. 4 CHAPTER 3

AN ACT TO CREATE A STATE GENERAL FUND BOND SINKING FUND FOR THE PURPOSE OF RETIRING THE PRINCIPAL AND INTEREST OF ALL OUTSTANDING STATE GENERAL FUND BONDS AND TO PROVIDE THE NECESSARY MONEYS THEREFOR.

Outstanding non-callable General Fund Bonds of State equal $47,501,500.00.

WHEREAS, the State of North Carolina has outstanding non-callable General Fund Bonds, after allowance is made for bonds appropriated for and due in the fiscal year one thousand nine hundred and forty-four - forty-five, in the sum of forty-seven million, five hundred and one thousand and five hundred dollars ($47,501,500.00), most of which are serial bonds for which no sinking funds are authorized, and has outstanding interest, due and payable during the life of these bonds, in the sum of twenty-seven million, seven hundred and seventy-four thousand, three hundred and fifty-three dollars ($27,774,353.00); and

Interest will amount to $27,774,353.00.

Sinking Funds amount to $6,750,000.00.

WHEREAS, the State has sinking funds in the sum of approximately six million, seven hundred and fifty thousand dollars ($6,750,000.00) in the State Treasury to be used to retire certain of these bonds when due; and

Annual appropriations of approximately $5,000,000.00 required to pay maturing bonds and interest.

WHEREAS, the annual appropriations out of current revenues for the purpose of paying bonds and interest and making contributions to sinking funds as required by law are approximately five million dollars ($5,000,000.00) per year, and which appropriations out of current revenues annually may be a burden to the State during normal times, actually reducing the funds available for maintenance of the public schools and other State services to the point where these services might have to be reduced so as to retard the development of the State; and

This General Fund Debt accumulated during years when current revenues were not sufficient to meet needs for permanent improvements and other demands.

WHEREAS, the General Fund Debt now outstanding has been accumulated through the years when current revenues were insufficient to provide necessary permanent improvements and to meet the needs of public schools, State institutions, agencies, and other State services in such a manner as to insure proper development of the State; and

WHEREAS, the State now has a large surplus accumulated because of abnormal conditions resulting from war, and a large surplus cannot be expected to recur when normal peace time conditions once again prevail; and

Present surplus accumulated during present abnormal times.

WHEREAS, it is deemed to the State's best interest that a sufficient amount of the General Fund surplus be set aside in a General Fund Bond Sinking Fund to provide for the payment of all General Fund bonds and interest upon maturity so as to relieve current revenues of this burden during normal times in order to be more certain that public schools, State institutions, departments, and other services may be more amply provided for: Now, therefore,

Best interest of State served by setting aside in General Fund Bond Sinking Fund sufficient amount out of present General Fund surplus to pay General Fund Bonds and interest as they mature.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and forty-two of the General Statutes of North Carolina be, and the same is, amended by adding to said chapter the following article and sections:

ARTICLE 7

SEC. 142-50. This Article shall be known as "The State General Fund Bond Sinking Fund Act of one thousand nine hundred forty-five."

SEC. 142-51. There is hereby created a State General Fund Bond Sinking Fund for the purpose of retiring all outstanding General Fund bonds and interest as they mature from time to time.

Creation of General Fund Bond Sinking Fund.

SEC. 142-52. There is appropriated from the General Fund of the State the sum of fifty-one million, five hundred eighty-five thousand and seventy-nine dollars ($51,585,079.00), which funds shall be taken from the General Fund surplus, as may now exist or as may accrue by June thirtieth, one thousand nine hundred and forty-five, as far as possible and any additional amount necessary to provide the sum of fifty-one million, five hundred eighty-five thousand, and seventy-nine dollars ($51,585,079.00) shall be taken from the State Post-War Reserve Fund established under Chapter six of one thousand nine hundred and forty-three, and the amount necessary for this purpose is hereby appropriated from the State Post-War Reserve Fund, which sum so appropriated shall be transferred to "The State General Fund Bond Sinking Fund" and shall be used exclusively for the purpose of retiring the principal and interest on outstanding General Fund bonds authorized by and issued under the authority of the following Acts of the Legislature, to-wit:

$51,585,079.00 placed in General Fund Bond Sinking Fund.

Title of Issue	*Chapter*	*Year*
State Hospital	510	1909
Refunding	399	1909
Administration	66	1911
School for Feeble Minded	87	1911
Refunding	73	1911
Improvement	102	1913
Funding	107	1921
Educational and Charitable	165	1921
Educational and Charitable	162	1923
Educational and Charitable	192	1925
Educational and Charitable	147	1927
Great Smoky Mountains Park (Serial)	48	1927
Farm Colony for Women	219	1927
The State Prison Farm	152	1927
General Fund Bonds (Debit Balance)	330	1933
Educational and Charitable	296	1937
State Office Building	365	1937
Permanent Improvement	1	1938
Permanent Improvement and School Book	67	1939
Permanent Improvement	240	1941
Permanent Improvement	81	1941
Permanent Improvement	86	1941

General Fund Bond Sinking Funds, previously created, merged with State General Fund Bond Sinking Fund of 1945.

SEC. 142-53. The General Fund Bond Sinking Funds heretofore created under authority of Chapter one hundred and eighty-eight of the Public Laws of one thousand nine hundred and twenty-three, Chapter one hundred and ninety-two of the Public Laws of one thousand nine hundred and twenty-five, Chapter one hundred and forty-seven of Public Laws of one thousand nine hundred and twenty-seven, Chapter one hundred and fifty-two of the Public Laws of one thousand nine hundred and twenty-seven, and Chapter two hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-seven for the purpose of retiring certain long term General Fund bonds are hereby combined with, transferred to and made a part of "The State General Fund Bond Sinking Fund of one thousand nine hundred and forty-five," and together with the sum of fifty-one million, five hundred eighty-five thousand, and seventy-nine dollars ($51,585,079.00) appropriated by this Act shall be used to retire the General Fund bonds and interest as they may mature from time to time.

Provisions of The Sinking Fund Commission Act apply.

SEC. 142-54. The moneys paid into "The State General Fund Bond Sinking Fund of one thousand nine hundred and forty-five" herein provided for, shall in all respects, be subject to the requirements, limitations and provisions of Chapter sixty-two of the Public Laws of one thousand nine hundred and twenty-five, and as amended, and known as "The Sinking Fund Commission Act."

SEC. 2. That all laws and clauses of laws in conflict with this Act, and in particular Chapter six of the Session Laws of one thousand nine hundred and forty-three, The State Post-War Reserve Fund Act, in so far as it conflicts with the appropriations herein made, and Chapter one hundred and eighty-eight of one thousand nine hundred and twenty-three, Chapter one hundred and ninety-two of one thousand nine hundred and twenty-five, Chapters one hundred and forty-seven, one hundred and fifty-two and two hundred and nineteen of one thousand nine hundred and twenty-seven, in so far as contributions are required to be made to these Sinking Funds for the redemption of General Fund bonds covered by these Acts, which bonds are provided for under the General Fund Bond Sinking Fund established by this Act, are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of January, 1945.

S. B. 7 CHAPTER 4

AN ACT TO REPEAL CHAPTER FORTY-NINE OF THE ONE THOUSAND NINE HUNDRED AND FORTY-THREE SESSION LAWS, RELATIVE TO THE METHOD OF NOMINATING CANDIDATES FOR THE BOARD OF ALDERMEN OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter forty-nine of the Session Laws of one thousand nine hundred and forty-three be, and the same is hereby, repealed. All laws repealed by said Act are hereby reenacted, and declared to be in full force and effect, relative to the method of nominating candidates for the Board of Aldermen of the City of Fayetteville.

Repeals Chapter 49 of 1943 Session and re-enacts laws repealed by said Chapter relating to nomination of Aldermen for Fayetteville.

SEC. 2. That the regular primary election, to be held in the year one thousand nine hundred and forty-five, for the nomination of candidates for Mayor and the Board of Aldermen of the City of Fayetteville, shall be conducted under the provisions of the laws in force prior to the year one thousand nine hundred and forty-three. At the said one thousand nine hundred and forty-five primary election, the board of elections of said city shall submit to the electors the manner and method by which candidates for the board of aldermen of said city shall be nominated thereafter. The said board of elections shall pre-

Mayor and Aldermen for Fayetteville to be nominated in 1945 as provided prior to 1943 Session. In said 1945 Primary, electors will vote on method for future nomination of Aldermen.

pare the necessary ballots and provide necessary election machinery for holding said primary election.

Electors will vote for or against nomination of Aldermen by entire city.

SEC. 3. That all electors in favor of citywide nomination of candidates for the Board of Aldermen of the City of Fayetteville shall vote a ballot containing the words "FOR nominating members of the Board of Aldermen by electors of the entire city"; and those opposed to such manner and method of nominating candidates for the board of aldermen of said city shall vote a ballot reading "AGAINST nominating members of the Board of Aldermen by electors of the entire city."

Board of Elections shall prepare the ballots.

SEC. 4. That the board of elections of said city shall prepare ballots containing the words set out in the preceding section, to the end that the manner and method of nominating the Board of Aldermen of the City of Fayetteville may be decided by the referendum herein provided.

Board of Elections shall canvass the ballots and report the results of the referendum.

SEC. 5. The said board of elections shall canvass the ballots upon this question at the same time and place that the ballots cast for the candidates for nomination for municipal offices are canvassed; and the result thereof shall be declared and reported, in writing, to the Board of Aldermen of the City of Fayetteville, at its next regular meeting, and the board shall order the same to be recorded in the minutes of the board.

Whether Aldermen shall be nominated by wards or by entire city will be determined by the results of said referendum.

SEC. 6. In the event a majority of the votes cast shall be for the nomination of candidates for the board of aldermen by the electors of the entire city, then the provisions of this Act shall be in full force and effect thereafter. In the event a majority of the votes cast in said primary election shall be against this method of nomination, then, and in that event, the candidates for the Board of Aldermen of the City of Fayetteville shall be nominated by the electors in each of the wards of the said city.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of January, 1945.

S. B. 22 **CHAPTER 5**

AN ACT TO AUTHORIZE COUNTIES TO POSTPONE REVALUATION OF PROPERTY.

The General Assembly of North Carolina do enact:

County Commissioners may postpone revaluation and reassessment of real property for 1945 and 1946.

SECTION 1. That Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, as amended in one thousand nine hundred and forty-one and one thousand nine hundred and forty-three, be amended by adding at the end of Section three hundred the following: *Provided, further,* that the boards of commissioners of the various counties of the State may, in their discretion, defer or postpone revaluation and reassessment of real property for the years one thousand nine hundred and forty-five and one thousand nine hundred and forty-six.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of January, 1945.

S. B. 27 **CHAPTER 6**

AN ACT TO AMEND SECTION FORTY-SEVEN - TWO OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PERMIT THE TAKING OF ACKNOWLEDGMENTS BY OFFICERS IN THE ARMED FORCES HAVING THE RANK OF SECOND LIEUTENANT, ENSIGN, OR HIGHER, AND TO VALIDATE ACKNOWLEDGMENTS TAKEN BY SUCH OFFICERS HERETOFORE.

The General Assembly of North Carolina do enact:

Acknowledgments can be taken by officers having rank of Second Lieutenant, Ensign, or higher.

SECTION 1. Section forty-seven - two of the General Statutes of North Carolina is hereby amended as follows:

(a) Strike out the word "Captain" in line nineteen and insert in lieu thereof the words "Second Lieutenant."

(b) Strike out the words "Lieutenant, Senior Grade," in lines twenty-one and twenty-two and insert in lieu thereof the word "Ensign."

(c) Strike out the words "or Lieutenant, Senior Grade," in lines twenty-three and twenty-four and insert in lieu thereof the words "of Ensign."

SEC. 2. Chapter forty-seven of the General Statutes of North Carolina is hereby amended by adding thereto a new section to read as follows:

Acknowledgments previously taken by Second Lieutenants, Ensigns, or higher, are validated.

SEC. 47-2.1. Validation of instruments proved before officers of certain ranks. Any instrument or writing, required by law to be proved or acknowledged before an officer, which prior to the ratification of this section was proved or acknowledged before an officer of the United States Army or United States Marine Corps having the rank of Second Lieutenant or higher, or any officer of the United States Navy, United States Coast Guard, or United States Merchant Marine, having the rank of Ensign or higher, is hereby validated and declared sufficient for all purposes.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of January, 1945.

S. B. 13 CHAPTER 7

AN ACT TO REENACT THE "NORTH CAROLINA EMERGENCY WAR POWERS ACT," THE SAME BEING CHAPTER SEVEN HUNDRED AND SIX OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, AND TO PROVIDE FOR THE CONTINUATION OF CONTRACTS, ORDERS, RULES OR REGULATIONS MADE, OR OTHER ACTIONS TAKEN, PURSUANT TO SAID ACT.

The General Assembly of North Carolina do enact:

Re-enactment of North Carolina Emergency War Powers Act of 1943.

SECTION 1. That Sections one, two, three, four, five, six, seven and eight of the "North Carolina Emergency War Powers Act," the same being Chapter seven hundred and six of the Session Laws of one thousand nine hundred and forty-three, are hereby reenacted, except that Section eight shall hereafter read as follows:

Section 8 of 1943 Act amended.

SEC. 8. Duration. This Act shall be in full force and effect while the existing state of war continues with any foreign power and for six months thereafter. None of the powers herein granted shall be thereafter exercised and no contract, order, rule or regulation made, or other action taken, pursuant to this Act shall thereafter be enforceable or effective, except for the performance of an obligation theretofore incurred under this Act or the prosecution of an act theretofore committed in violation thereof. Contracts, orders, rules or regulations made or other actions taken pursuant to this Act prior to the convening of the General Assembly of one thousand nine hundred and forty-five shall continue in effect according to their terms until

the expiration date specified above, unless they shall be sooner repealed or modified by the Governor, with the approval of the Council of State, in the exercise of powers granted under this Act, or by this or a subsequent session of the General Assembly.

SEC. 2. That this Act shall be in full force and effect from and after the convening of this session of the General Assembly.

Ratified this the 20th day of January, 1945.

S. B. 18

CHAPTER 8

AN ACT EXEMPTING EMPLOYEE TRUSTS FROM RULES AGAINST PERPETUITIES AND RESTRAINTS ON ALIENATION.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter thirty-six of the General Statutes of North Carolina is hereby amended by adding a new section thereto to be numbered Section thirty-six - five point one and to read as follows:

Chapter 36 of General Statutes amended.

SEC. 36-5.1. Employee trusts. Pension, profit sharing, stock bonus, annuity or other employee trusts established by employers for the purpose of distributing the income and principal thereof to some or all of their employees, or the beneficiaries of such employees, shall not be invalid as violating any laws or rules against perpetuities or restraints on the power of alienation of title to property; but such trusts may continue for such period of time as may be required by the provisions thereof to accomplish the purposes for which they are established.

Employee Trusts are exempted from rules against perpetuities and restraints on alienation.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of January, 1945.

S. B. 24

CHAPTER 9

AN ACT TO AMEND SECTION ONE HUNDRED AND TWENTY - THIRTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA AS TO COMPENSATION OF ASSISTANTS TO THE ENGROSSING CLERKS AND CERTAIN CLERKS, TYPISTS AND STENOGRAPHERS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and twenty - thirty-three of the General Statutes of North Carolina be, and the same hereby is, amended by striking out the words "the assistants to the Engrossing Clerks" appearing therein, and by striking out the

Section 120-33 of General Statutes is amended.

following: "The clerks to all other committees which by the rules of either house of the General Assembly are entitled to clerks, except as hereinbefore provided, shall each receive five dollars ($5.00) per day during the session of the General Assembly and mileage at the rate of ten cents (10c) per mile from their homes to Raleigh and return," and by substituting in lieu of said sentence so stricken out, the following:

Clerks to Committees and the Assistants to the Engrossing Clerks shall be paid on the basis of their qualifications, stenographers and typists to receive $6.00 per day, and typists $5.00 per day, and 5 cents mileage.

The clerks to all committees which by the rules of either house of the General Assembly are entitled to clerks, except as hereinbefore provided, and the assistants to the Engrossing Clerks shall receive compensation on the basis of their qualifications, according to the following classification:

Six dollars ($6.00) per day for secretaries who are stenographers and typists; five dollars ($5.00) per day for typists, and mileage at the rate of five cents (5c) per mile from their homes to Raleigh and return.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of January, 1945.

H. B. 5 CHAPTER 10

AN ACT TO RE-ESTABLISH THE TERMS OF OFFICE OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Polk County to elect three Commissioners in 1946, one for 4 years and two for 2 years.

SECTION 1. At the next biennial election to be held in the County of Polk there shall be elected three commissioners for said county, the one receiving the highest vote to serve for a term of four years, and the other two for a term of two years, and until their successors are duly elected and qualified.

In 1948 and subsequent biennial elections, two Commissioners to be elected, one for 4 years and one for 2 years.

SEC. 2. Such terms of office for county commissioners for the County of Polk shall apply to each subsequent biennial election held in said county, two commissioners to be elected, the one receiving the greater vote to serve for a term of four years.

Terms of present Commissioners to terminate when those elected in 1946 qualify.

SEC. 3. The terms of office of all Commissioners of Polk County heretofore elected shall terminate upon the election and qualification of the three commissioners provided for in Section one of this Act.

SEC. 4. Chapter four hundred and fifty of the Public-Local Laws of one thousand nine hundred and thirty-three, and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of January, 1945.

H. B. 10

CHAPTER 11

AN ACT TO AMEND CHAPTER TWO, SECTIONS FORTY-SIX AND FORTY-SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE PREPARATION, FILING AND PUBLISHING OF ANNUAL REPORTS OF THE CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two, Section forty-six of the General Statutes of North Carolina be and the same is hereby amended by adding another proviso at the end of said section, said added proviso to read as follows:

Chapter 2, Section 46 of General Statutes amended.

Provided that the Clerk of the Superior Court of Forsyth County on the first Monday in December of each year shall make an annual report of all public funds and all other funds held by said Clerk for any person, firm or corporation whch may be in his hands. The period to be covered by each annual report shall begin with November first of the previous year and continue through October thirty-first of the year in which the report is made and filed, and shall be made to the board of county commissioners and addressed to the chairman thereof. Said report shall contain the following information:

Clerk of Superior Court of Forsyth County shall make annual report on first Monday in December in each year.

(a) A statement addressed to the chairman of the board of county commissioners citing the statutes under which such annual report is filed, together with the period covered by such report, and that it covers all funds held by him by virtue or color of his office. Such statement shall be dated and signed by the clerk.

What said annual Reports cover.

(b) An index to the various lists and itemized statements of funds shown therein.

To contain index.

(c) A statement giving the names of the banks in which the accounts of the clerk of the superior court are carried, together with a statement as to the amounts of depository bonds given by such banks to the clerk of the superior court as provided by statute, a reference to the North Carolina statute relating to the federal deposit insurance covering the accounts of the clerk of

Names of Banks, amounts of depository bonds, statements of investments and approval of investments.

the superior court, and a statement as to where all certificates and evidences of investments are held by the clerk of the superior court. Also a statement that all investments as shown in the account have been approved by the proper authorities as required by law.

Inventory of general investments.

(d) A list of general investments, if any, the clerk may have, with the name of the building and loan or federal savings and loan association in which such investment has been made, the number of each certificate, the date of each certificate, to whom issued and the amount.

Rate of interest and dividends.

(e) The clerk of the superior court shall not be required to make any statement in his account with relation to the rate of interest or dividend investments are earning.

Schedule of money due witnesses and jurors.

(f) A schedule or list of names of persons to whom are due as witnesses or jurors any money that has been advertised for one previous occasion, together with the amount due each person and a statement showing that these items have been advertised on one previous occasion as provided herein, and that such items will on January first after the second publication of this list be paid to the school fund of Forsyth County as provded in Chapter two, Section fifty of the General Statutes of North Carolina if not called for by the person entitled to the same on or before January first following the second publication of such list. The payment of these funds to the school fund of Forsyth County shall be made by the Clerk of the Superior Court of Forsyth County during the month of January following the second publication of such list.

Schedule of fees due other persons.

(g) A list or schedule of miscellaneous fees due to various persons, firms or corporations, giving the names of such persons, firms or corporations to whom due and the amount due to each.

Payments on judgments.

(h) A list of all cases in which any payment has been made to the clerk in settlement of or as a credit on the judgments in said cases, giving the title of each case, and the amount in hand.

Schedule of minor trusts.

(i) A list of accounts carried under minor trusts, giving the name of each person for whom the money is held, the balance as of the closing date of the report, together with the amount, if any, of said fund that has been invested, and properly designating the name of the building and loan or federal savings and loan association in which such investment has been made.

Schedule of miscellaneous trust accounts.

(j) A list of items carried in the miscellaneous trust accounts, giving the name of such person, firm or corporation for whom money is held, the amount held for each person, firm or corporation, and if any of such funds have been invested they shall be so designated, giving the name of the building and loan or federal savings and loan association in which the investment is made, and the amount of such investment.

(k) A list of all persons for whom payments of alimony and nonsupport have been made and the amount on hand for each. Schedule of payments on alimony and nonsupport.

(l) A list of cash, bonds or any other properties or securities held in escrow, giving the name of the person, firm or corporation that deposited same with the clerk or for whom held, and the amount of same for each. Schedule of items held in escrow.

(m) A list of increased bids held, together with the name of the bidder and the amount of the bid on hand. Schedule of deposits on increased bids.

(n) A list of all funds designated "Cemetery Funds," giving the name of each person having left such fund, together with the amount on hand at the end of the accounting period and the amount invested. Such list shall contain a statement giving the name of the building and loan or federal savings and loan association in which said funds have been invested, but need not state the interest rate or dividends being earned on such investments. Schedule of "Cemetery Funds."

(o) A list of accounts carried under "Part Payment," giving the name of the person making such payments and the amount on hand. Schedule of "Part Payment" accounts.

(p) A trial balance as taken from the records of the clerk as of the close of business October thirty-first. Trial balance.

(q) Verification by person keeping the records in the office of the clerk of the superior court. Verification.

(r) The Clerk of the Superior Court of Forsyth County shall between January first and April first of each year escheat to the University of North Carolina in accordance with the provisions of the General Statutes of North Carolina for escheats to the University of North Carolina all money, bonds, securities and any other tangible personal property or any other property of any kind that may be in the hands of the Clerk of the Superior Court of Forsyth County for any person, firm or corporation if same has been reported in two reports by the Clerk of the Superior Court of Forsyth County and if said reports have been published on two occasions prior to January first, the date for escheating same to the University, unless such cash, bonds, securities or other tangible personal property is being held by the Clerk of the Superior Court of Forsyth County pending a final termination of any action in the Superior Court of Forsyth County or in any special proceeding pending in Forsyth County, or pending the administration of any estate or the appointment of a representative to administer any estate. Clerk of Superior Court of Forsyth County shall escheat to the University of North Carolina between January 1 and April 1 all items on hand on January 1 that have been prior thereto advertised on two occasions, with certain exceptions.

SEC. 2. That Chapter two, Section forty-seven of the General Statutes of North Carolina be and the same is hereby amended by adding another proviso at the end of said section, said added proviso to read as follows: Chapter 2, Section 47 of General Statutes amended.

The Annual Report of Clerk of Superior Court of Forsyth County to be filed with Board of County Commissioners.

Provided, when the records of the Clerk of the Superior Court of Forsyth County are regularly audited by a certified public accountant and such audit is filed with the board of county commissioners as provided by law the annual report filed by the Clerk of the Superior Court of Forsyth County shall be received, filed and approved by the board of county commissioners and when approved by said board the chairman of the board shall endorse his approval and the date of such approval on the original report filed by the clerk and the same shall be registered in the office of the Register of Deeds of Forsyth County in a book to be furnished to said register by the board of county commissioners, which book shall be styled "RECORD OF OFFICIAL REPORTS," with a proper index of all reports recorded therein, and when recorded by the register of deeds he shall endorse thereon the date of registration, the page of the record of official reports upon which the same is registered, sign the same and file it in his office. The register shall also cause a copy of the report to be published one time in some newspaper qualified for the publication of legal notices as required by law and of general circulation, published in the county of the register, and if no newspaper is published in the said county the posting of a copy of such report at the courthouse door shall be a sufficient publication. The cost of publishing the report shall be paid by the county.

To be recorded in Office of Register of Deeds and published in newspaper.

Funds representing checks issued and outstanding more than one year.

The Clerk of the Superior Court of Forsyth County shall during the month of January of each year pay over to the general fund of Forsyth County all money held by him to cover checks issued by said clerk that have not been cashed and have been outstanding for more than twelve months prior to January first of that year. Any money so paid over to the general fund of Forsyth County as herein provided may be used by the county as other general funds are used under the direction of the board of county commissioners, *provided,* that if any person presenting a check theretofore issued by the Clerk of the Superior Court of Forsyth County, the funds to cover such check having been paid over to the general fund of Forsyth County, the clerk may issue his official check to pay such person legally entitled to such money, and the county shall reimburse him for such funds so paid that were previously paid over to the general fund as hereinbefore provided, and the Clerk of the Superior Court of Forsyth County shall be relieved of all liability by reason of having paid over to the general fund of Forsyth County funds held wherein checks have been previously issued and have been outstanding for more than one year prior to January first, the month during which such funds are paid over to the general fund of the county.

The following portions of the clerk's annual report as filed with the Board of County Commissioners of Forsyth County need not be published in any newspaper:

(a) The statement of the clerk directed to the chairman of the board of county commissioners referring to the statute or statutes under which the account is filed and showing the period covered by the account. Portions of Annual Report that need not be published in any newspaper.

(b) The index in said report.

(c) The statement as to the names of the banks in which the clerk's accounts are carried; also the information about the depository bonds given by said banks, and the general statement as to where investment certificates or other evidences of debt are held by him, and the statement of the approval of such investments as required by law.

(d) A schedule of general investments held by the clerk.

(e) The trial balance.

(f) The verification by the person keeping the records in the office of the clerk of the superior court.

SEC. 3. That this Act shall apply to Forsyth County only. This Act applies only to Forsyth County.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed in so far as they relate to the filing of reports by the Clerk of the Superior Court of Forsyth County. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of January, 1945.

H. B. 14 CHAPTER 12

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FOUR OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATIVE TO THE NUMBER OF DEPUTY SHERIFFS FOR DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section one, Chapter three hundred and four, of the Session Laws of one thousand nine hundred and forty-three, is hereby amended by striking out the word "five" in line two of the second paragraph thereof and inserting in lieu thereof the word "seven." Section 1, Chapter 304 of 1943 Session Laws amended, regarding number of Deputy Sheriffs for Davidson County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after the first day of February, one thousand nine hundred and forty-five.

Ratified this the 23rd day of January, 1945.

H. B. 15 CHAPTER 13

AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT OF DAVIDSON COUNTY TO REAPPOINT THE COMMISSIONERS OF THE DAVIDSON COUNTY DRAINAGE DISTRICT NUMBER TWO, AND TO RATIFY ACTIONS OF SAID COMMISSIONERS HERETOFORE APPOINTED.

The General Assembly of North Carolina do enact:

Reappointment of Commissioners of Davidson County Drainage District No. 2 and filling vacancies.

SECTION 1. The Clerk of the Superior Court of Davidson County is hereby authorized and empowered to reappoint the Commissioners of the Davidson County Drainage District Number Two, upon the expiration of their present terms, and thereafter to reappoint said commissioners upon the expiration of any succeeding terms, and to fill any vacancy which may occur with said commissioners by reason of death, resignation, or otherwise, for the unexpired term.

Said Commissioners to collect delinquent taxes in their district.

SEC. 2. The said commissioners are authorized, empowered and directed to proceed with the collection of delinquent taxes in said district and are authorized and empowered to do all things necessary to collect any and all delinquent assessments now due by landowners in said district.

Prior acts of said Commissioners validated.

SEC. 3. All acts and things heretofore done by the commissioners of said district, in the name and on behalf of same are hereby validated and confirmed.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of January, 1945.

S. B. 16 CHAPTER 14

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE TOWN OF BREVARD TO DONATE A LOT TO THE MONROE WILSON POST NUMBER EIGHTY-EIGHT OF THE AMERICAN LEGION, LOCATED AT BREVARD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Brevard Aldermen authorized to convey certain property to Post of American Legion.

SECTION 1. That the Board of Aldermen of the Town of Brevard be, and they are hereby, authorized and empowered to donate to the Monroe Wilson Post Number Eighty-eight of the American Legion, located at Brevard, North Carolina, that certain lot situate on the Southwest corner of East Jordan Street

and South Johnston Street in said Town of Brevard, fronting one hundred and five feet on East Jordan Street and one hundred and three feet on South Johnston Street, and being all of lots Numbers four, five, six, and seven and a part of lot Number eight of the Thomas H. Shipman Subdivision as shown by plat thereof recorded in Plat Book Thirty-three, Page one hundred and twenty-two, Records of Deeds for Transylvania County.

Manner of said conveyance to three trustees for Legion Post.

SEC. 2. That in the event of such donation a deed conveying such lot in fee simple may be executed in the manner prescribed under the general law for execution of deeds by municipal corporations conveying said lots to three trustees, to-wit: Ray Bennett, Ralph Fisher and Dr. Carl Hardin, and their successors, to hold title to said lots for the use and benefit of Monroe Wilson Post Number Eighty-eight, and it shall not be necessary to advertise said sale as provided in the general law.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of January, 1945.

H. B. 9 CHAPTER 15

AN ACT TO PROVIDE FOR THE ADMINISTRATION BY A CLERK OF SUPERIOR COURT OF ESTATES OF INTESTATE PERSONS WHEN A DECEDENT IS NOT SEIZED OF ANY REAL ESTATE AND HIS OR HER TOTAL ESTATE DOES NOT EXCEED THE VALUE OF THREE HUNDRED DOLLARS.

The General Assembly of North Carolina do enact:

Clerk of Superior Court may administer certain intestate estates that do not exceed $300.00, that do not include any real estate and that do not include any tangible personal property in excess of allotments for year's support for widow or children.

SECTION 1. When any person domiciled in any county in North Carolina dies intestate, and at the time of his or her death does not own any real estate in fee simple, does not own any undivided interest in any real estate, does not own any tangible personal property that has not been allotted to the widow or children for a year's support, and does not own any intangible personal property, but all of the assets of the estate left by the deceased consist of bank deposits, certificates of deposit, paid-up stock or a savings share account in a building and loan or federal savings and loan association, deposits with a utilities company, and money due by or held by any public officer, fiduciary, estate, trust, person, firm or corporation, any insurance payable to the estate of the deceased, money due from any other source, or money belonging to said estate in the possession of anyone, and the amount due from all the sources enumerated does not exceed in value the total sum of three hundred dollars, said estate of such deceased intestate may be administered, as hereinafter

provided, by the clerk of the superior court of the county in which the deceased was domiciled at the time of death.

Clerk to investigate to determine whether intestate estate is eligible for administration by him.

SEC. 2. The clerk, before accepting money belonging to an estate to be administered under the provisions of this Act, shall make an investigation to determine whether the estate is one that may be administered by him. After making such investigation if the clerk is of the opinion that the estate is one that he may administer as herein provided he shall, in the manner he deems expedient and efficient, notify the person, firm or corporation owing to or holding money for the estate of the said deceased that they may pay or deliver same to him to be administered as hereinafter provided.

Procedure for collecting funds belonging to an estate being administered by the Clerk.

SEC. 3. When a clerk of the superior court receives a sum of money for the estate of a deceased intestate under the provisions of this Act, and he has reasonable ground to believe that any person, firm or corporation owes to or has in his or its possession any money belonging to such estate, said clerk may issue a notice to said person, member, officer, agent, or employee of the firm or corporation alleged to be indebted to the estate of said deceased to appear before said clerk at his office at a time fixed in said notice, which shall be not less than three days after the issuance of such notice, and be examined under oath by the clerk concerning the possession of said property or the debt due. If upon such examination the clerk determines that there is money due and owing or belonging to the said estate, and the one owing or having in his possession such money refuses to pay over or deliver same to the clerk in accordance with his orders, the clerk shall then proceed as provided in Chapter twenty-eight, Sections sixty-nine, seventy, seventy-one and seventy-two of the General Statutes of North Carolina.

Reecipt of Clerk for money, belonging to an estate administered by him, shall be complete release of person, paying the same.

SEC. 4. When any money is paid into the office of the clerk of the superior court under the provisions of this Act, his official receipt therefor shall be a complete release and discharge for the amount of money so paid by such person, firm or corporation, and anyone making any payment to a clerk as herein provided shall not be required to see to the proper application of such fund.

SEC. 5. The clerk shall set up a proper ledger account for each estate, in which account he shall enter the date of each receipt, from whom received, amount of same, the date of each disbursement, to whom paid, and the amount.

Procedure when it develops that the Clerk has begun the administration of an estate that he is not eligible to administer.

SEC. 6. If, after a clerk receives a payment for an estate, he ascertains that the deceased left a last will and testament, or that the estate exceeds the total value of three hundred dollars, or that the deceased left intangible or tangible personal property, or that the deceased owned an interest in real estate, then said clerk must discontinue the administration of the estate and must appoint an executor or administrator as provided by law,

and upon the qualification of the proper person to administer said estate, the clerk shall pay over and deliver to such fiduciary all funds remaining in his hands. If he has disbursed any funds from said estate he shall give the fiduciary appointed a statement of all amounts disbursed, the date disbursed, to whom, and for what purpose; and the clerk shall be relieved of all liability for any funds disbursed by him prior to the appointment of a fiduciary to administer the estate of such deceased person.

Clerk not required to post or publish notice of his administering an estate.

SEC. 7. The clerk of the superior court shall not be required to publish a notice in a newspaper or post a notice at the courthouse door because of the administration by him of an estate under the provisions of this Act.

SEC. 8. The clerk of the superior court may disburse the money received under the provisions of this Act for an estate of a deceased husband as follows:

Distribution by Clerk of funds of estate of deceased husband.

I. AT ANY TIME AFTER RECEIPT OF FUNDS FOR ESTATE:

A. Estate of deceased husband leaving widow or child or children:

Immediate distribution for costs, widow's year's allotment, payment on funeral expenses not exceeding $100.00, allotment of year's support for children of 15 years or under, etc.

(a) Costs of administration;

(b) Widow's year's allotment, unless a written waiver is filed with the clerk, or she waives same by her endorsement of a check payable to her and a creditor: *Provided*, a widow must have her allotment made as provided by law within ninety days from date of her husband's death or be forever barred to such right, and this limitation is deemed pleaded by the clerk specially as a defense to her application for such allotment if made subsequent to said ninety-day period;

(c) Payment of an amount not to exceed one hundred dollars toward funeral expenses of deceased;

(d) If there is no widow entitled to a year's allotment, but there is a child or children of the age of fifteen years or under, the clerk shall pay over to the guardian of such child or children, or to the person in loco parentis of such child or children if there is no guardian, the balance of said money: *Provided*, the maximum amount to be paid for each child shall be one hundred and fifty dollars, and *provided further*, that should the money be insufficient to pay the maximum amount, then the clerk shall prorate said money if there is more than one child entitled thereto. The clerk need not require an application and allotment of such fund before a justice of the peace;

(e) Payment of a reasonable amount on balance of funeral expense.

Distribution of funds after 90 days subsequent to death of intestate.

II. AFTER NINETY DAYS FROM DATE OF DEATH:

A. The clerk may disburse the remaining fund in his hands as follows:

For taxes.

(a) Taxes listed on the estate of the deceased previous to death;

For dues to U. S. and N. C.

(b) Dues to the United States and to the State of North Carolina;

For judgments.

(c) Judgments of any court of competent jurisdiction within this State docketed and in force on the date of death;

For wages due servants, mechanics, and farm laborers not exceeding six months and for medical, hospital and drug bills for last illness of intestate not exceeding six months.

(d) Wages due to any domestic servant or mechanical or agricultural laborer employed by the deceased, which claim for wages shall not extend to a period of more than six months next preceding the death; or if such servant or laborer was employed for the year current at the decease, then from the time of each employment, not exceeding six months; for medical services during the last continued illness not exceeding six months preceding death; for drugs, hospital expenses, medical supplies necessary for the treatment of such deceased person during the last continued illness of such person, not to exceed a period of six months;

For other debts.

(e) All other debts and demands;

Remainder to widow.

(f) Remainder to widow regardless of whether the deceased left issue surviving or not;

To children, if no widow.

(g) If there is no widow living, all the residue by equal portions to the living children of the intestate: *Provided,* any deceased child's portion is to be distributed per stirpes to any issue of said deceased child;

If any of the issue are under eighteen years of age, the payments are to be made to the person in loco parentis of such issue; if any are eighteen or over, then such payments are to be made direct to said issue.

Distribution by Clerk of funds of estate of deceased wife.

SEC. 9. The clerk of the superior court may disburse the money received under the provisions of this Act for the estate of a deceased wife as follows:

I. AT ANY TIME AFTER RECEIPT OF FUNDS FOR ESTATE:

A. Estate of deceased wife leaving a husband or child or children:

Immediate distribution for costs and reasonable funeral expenses.

(a) Costs of administration;

(b) Funeral expenses, amount in sound discretion of clerk. The funeral expenses of the deceased may be paid to any funeral director or the clerk may reimburse anyone that may have paid same regardless of the solvency of the husband.

II. AFTER NINETY DAYS FROM DATE OF DEATH:

Distribution of funds after 90 days from date of death.

A. The clerk may disburse the remaining funds in his hands as follows:

(a) Taxes listed on the estate of the deceased previous to death;

For taxes.

(b) Dues to the United States and to the State of North Carolina;

For dues to U. S. and N. C.

(c) Judgments of any court of competent jurisdiction within this State docketed and in force on the date of death;

For judgments.

(d) The following charges may be paid by the clerk from the estate even though the husband is solvent. Object is to make the estate of the wife primarily liable for debts incurred or services rendered to her whether she contracted for same or not.

Wages due to any domestic servant or mechanical or agricultural laborer employed by the deceased, which claim for wages shall not extend to a period of more than six months next preceding the death; or if such servant or laborer was employed for the year current at the decease, then from the time of such employment, not exceeding six months preceding death; for drugs, hospital expenses, medical supplies necessary for the treatment of such deceased person during the last continued illness of such person, not to exceed a period of six months;

For wages due domestic, mechanical and farm laborers not exceeding six months, and hospital and drug bills for last illness of intestate not exceeding six months.

(e) All other debts and demands;

For other debts.

(f) Remainder to the husband regardless of his solvency and regardless of whether the deceased left issue surviving;

Remainder to husband.

(g) If there is no husband living, all the residue by equal portions to the living children of the intestate: *Provided,* any deceased child's portion is to be distributed per stirpes to the issue of said deceased child;

To children, if no husband survives.

If any of the issue are under eighteen years of age, the payments are to be made to the person in loco parentis of such issue; if any are eighteen or over, then such payments are to be made direct to said issue.

SEC. 10. The clerk of the superior court may disburse the money received under the provisions of this Act for estate of an unmarried person as follows:

Distribution by Clerk of funds of estate of unmarried intestate.

I. AT ANY TIME AFTER RECEIPT OF FUNDS FOR ESTATE:

A. Estate of deceased person not leaving a husband, wife, child or children as distributees:

(a) Costs of administration;

Immediate distribution for costs and reasonable funeral expenses.

(b) Funeral expenses in a reasonable amount to be paid to the funeral director or anyone that may have paid said funeral expenses.

Distribution of funds after 90 days from date of death.

II. AFTER NINETY DAYS FROM DATE OF DEATH:

A. The clerk may disburse the remaining funds in his hands as follows:

For taxes.

(a) Taxes listed on the estate of the deceased previous to death;

For dues to U. S. and N. C.

(b) Dues to the United States and to the State of North Carolina;

For judgments.

(c) Judgments of any court of competent jurisdiction within this State docketed and in force on the date of death;

For wages due domestic, mechanical and for laborers not exceeding six months and for medical, hospital and drug bills for last illness not exceeding six months.

(d) Wages due to any domestic servant or mechanical or agricultural laborer employed by the deceased, which claim for wages shall not extend to a period of more than six months next preceding the death; or if such servant or laborer was employed for the year current at the decease, then from the time of such employment, not exceeding six months; for medical services during the last continued illness not exceeding six months preceding death; for drugs, hospital expenses, medical supplies necessary for the treatment of such deceased person during the last continued illness of such person, not to exceed a period of six months;

Distribution of remainder.

(e) Remainder to be distributed as provided by law.

SEC. 11. If the clerk has reason to believe the deceased has creditors, he may advise such creditors in writing of the funds in his hands, and such creditors may file claim for any amount due and owing: *Provided,* such claims must be filed within fifteen days from the date of such written notice or be forever barred. *Provided further,* all claims must be filed with the clerk within ninety days from the date of death, unless the clerk in his written notice to a creditor sets a later date. The limitations of time set out herein shall be deemed pleaded specially by the clerk against any creditor filing a claim subsequent to such limitation.

Time limits for filing claims by creditors.

Claims must be itemized and verified.

SEC. 12. All claims filed by creditors must be itemized and verified, and the clerk shall not be required to make any further investigation with regard to such verified claim, but he is authorized to accept same as a valid claim against the estate which it is filed.

Form for verification of claim.

The verification of each claim must be in the following form: ....., being first duty sworn, deposes and says:

That your affiant is authorized and has the right to make this affidavit.

That he has read the foregoing claim and knows the contents thereof; that the balance due as stated in the above claim is due and owing after all credits have been given, and that no part of said balance has been paid.

This the ..... day of ....., 19.....

.....

Affiant

.....

Title of affiant, if claimant is a company or corporation.

Sworn to and subscribed before me, this ..... day of ....., 19.....

.....

Clerk Superior Court or Notary Public.

Clerk's fees for administration.

SEC. 13. The fees, if any, to be charged by a clerk of the superior court for the administration of estates under the provisions of this Act, shall be the fees fixed by law to be charged by such clerk.

No accounting required from person receiving from Clerk funds for miner distributees.

SEC. 14. The clerk shall not require any accounting of any person to whom he disburses funds for a minor distributee as herein provided.

Clerk has no liability for loss, if he has exercised reasonable care and good faith.

SEC. 15. A clerk of superior court shall not be liable to anyone for any loss whatsoever sustained by reason of the administration of any estate as hereinbefore provided, if such clerk has exercised reasonable care and good faith in complying with the provisions of this Act.

Balance after one year escheats to University.

SEC. 16. Any clerk of the superior court having on hand any money belonging to an estate being administered by him as herein provided shall, after one year from the date of the receipt of the first money received by him for such estate, pay over such balance to the University of North Carolina as an escheat, if he is unable to locate or determine the party or parties to whom such money belongs.

This Act applies only to Forsyth County.

SEC. 17. That this Act shall apply to Forsyth County only.

Conflicting laws repealed.

SEC. 18. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 19. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of January, 1945.

H. B. 18 **CHAPTER 16**

AN ACT RELATING TO THE DUTIES OF THE COLLECTOR OF REVENUE OF MECKLENBURG COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Prepayments on taxes in Mecklenburg County to be made to Collector of Revenue of said County.

SECTION 1. Prepayments on taxes, made before the tax books shall have been turned over to the Collector of Revenue of Mecklenburg County, shall be made to the said collector of revenue.

Tax books and receipts to be delivered to said Collector.

SEC. 2. The tax books and receipts shall be delivered to the said collector of revenue, upon order of the governing body of Mecklenburg County on or before the first Monday in October in each year, as provided in Section one hundred and five - three hundred and twenty-five of the General Statutes.

Tax receipts, sale certificates and other records to remain in hands of said Collector.

SEC. 3. All tax receipts, tax sale's certificates, books and other records representing uncollected taxes, once delivered to the said collector of revenue, shall remain in his hands without being redelivered or recharged to him after each annual settlement, and he shall exercise and perform all powers and duties conferred or imposed by law upon him with respect thereto. The said collector of revenue shall on each business day file with the Treasurer of Mecklenburg County a statement in such form as may be from time to time prescribed by the governing body of said county, showing all taxes, assessments, costs, interest and penalties collected by him on the preceding business day and shall with the said report pay to the said treasurer all funds which he shall have collected during such preceding business day as shown by said report.

Daily accounting by said Collector to Treasurer of Mecklenburg County.

Said Collector must furnish bond.

SEC. 4. Said collector of revenue shall each year furnish a good and sufficient bond with surety in such form and in such amount, not to be less, however, than the sum of fifty thousand dollars, as may be determined by the board of county commissioners of said county, and which bond shall be conditioned upon the faithful and diligent performance by him of his duties and upon his true and proper accounting for all moneys received by him by virtue of his office, or coming into his possession in connection therewith, either from prepayments, collections of taxes, costs, interest and penalties or collections of special assessments. The premium on said bond shall be paid by the county from the general fund.

Certain statutes not to apply to sale of tax liens in said County.

SEC. 5. The provisions of Section one hundred and five - three hundred and eighty-seven of the General Statutes, relating to sales of tax liens on real property for failure to pay taxes, shall not apply to the County Government of Mecklenburg County.

Certain statutes not to apply to annual settlements by said Collector.

SEC. 6. The provisions of Section one hundred and five - three hundred and ninety of the General Statutes, relating to annual settlements by tax collectors, shall not apply to the Collector of Revenue of Mecklenburg County, and, therefore, it shall not be necessary for him or for the governing body of said county to prepare or designate any list of insolvents.

Further accounting by said Collector.

SEC. 7. Immediately after the delivery of the tax books to him each year, the said collector of revenue shall make a true and proper accounting of all moneys received by him by virtue of his office, or coming into his possession in connection therewith, and for all tax receipts and certificates, which may not previously have been accounted for; and at such time he shall be liable on his bond only for such moneys as he may have actually collected and shall not theretofore have accounted for.

Not relieved of liability for shortages or defaults.

SEC. 8. Approval of any settlement, as herein provided, by the governing body of said county, shall not relieve said collector of revenue or the surety or sureties upon his bond(s) of liability for any shortage or default actually existing or thereafter discovered.

Final accounting by said Collector.

SEC. 9. Immediately upon the termination of his service as such, whether by resignation or otherwise, said collector of revenue shall make full settlement and accounting for all moneys actually received by him and not previously reported and accounted for and for all books, tax certificates, tax receipts and other records pertaining to taxes theretofore delivered to him and not theretofore accounted for.

Accounting by said Collector to Chief Accounting Officer of said County for prepayments on taxes.

SEC. 10. Immediately after the delivery of the tax books and records to the said collector of revenue each year, said collector of revenue shall deliver to the Chief Accounting Officer of Mecklenburg County the duplicates or stubs of all receipts which he may theretofore have issued for prepayments of taxes for such year lawfully received by him and shall demonstrate to the satisfaction of said chief accounting officer that all moneys received by him as such prepayments have been paid to the treasurer of said county. It shall be the duty of said chief accounting officer to secure and retain in his office, available to the taxpayers upon request, the regular receipts for such taxes as shall have been paid in full by prepayment and to credit such prepayments on the tax books or accounts delivered to the collector. It shall also be the duty of said chief accounting officer to prepare and issue refunds for overpayments made by way of prepayments (the disbursements representing such refunds to be made in the same manner as other disbursements of funds of the taxing unit are made), and to credit all partial prepayments as partial payments on the regular receipts and tax accounts.

This Act applies only to Mecklenburg County.

SEC. 11. The provisions of this Act shall apply only to the County Government of Mecklenburg County.

Conflicting laws repealed.

SEC. 12. All laws and clauses of laws in conflict with the provisions hereof are hereby repealed.

SEC. 13. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of January, 1945.

H. B. 19 **CHAPTER 17**

AN ACT TO AMEND CHAPTER EIGHTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE OFFICE OF TREASURER OF MECKLENBURG COUNTY AND FIXING THE SALARY OF SAID TREASURER.

The General Assembly of North Carolina do enact:

Statutes amended to fix salary of Treasurer of Mecklenburg County at $3600.00 instead of $3000.00.

SECTION 1. That Section one of Chapter eighty-six of the Public-Local Laws of one thousand nine hundred and thirty-five, which relates to the office and salary of the Treasurer-Tax Collector of Mecklenburg County be, and the same hereby is, amended by striking out therefrom the words: "SEC. 9. That, beginning with the next regular term of office from and after the retification of this Act, the said Treasurer-Tax Collector shall be paid a salary of three thousand dollars ($3,000.00) per annum," which occur in lines five, six, seven and eight of said Act, and by inserting in lieu and stead thereof the following words, to-wit:

SEC. 9. That, beginning on the first day of the month following the ratification of this Act, the said Treasurer of Mecklenburg County shall be paid a salary of thirty-six hundred dollars ($3600.00) per annum.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 25th day of January, 1945.

H. B. 20 **CHAPTER 18**

AN ACT TO FACILITATE THE LISTING OF PERSONAL PROPERTY FOR TAXATION IN MECKLENBURG COUNTY AND TO ENLARGE THE POWERS AND DUTIES OF THE TAX SUPERVISOR OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Listing poll and personal property for taxation in Mecklenburg County.

SECTION 1. Each person, firm or corporation required by law to list poll or personal property for taxation in Mecklenburg County shall each year, during the time set aside and allowed for making such returns, sign and file with the tax supervisor of said county a tax scroll or return listing all his poll or personal property subject to taxation. Such tax scroll or return shall not be required to be verified by the oath of the taxpayer, but the penalty for making a false listing shall be the same as the penalty for making false oath.

Tax Supervisor of said County authorized to issue subpoenas to compel persons to appear and give information for tax listing purposes.

SEC. 2. The Tax Supervisor of Mecklenburg County shall be authorized and empowered to issue subpoenas to compel the attendance before him of any person, firm or corporation required by law to list personal property for taxation in Mecklenburg County and to issue subpoenas to compel the production before him of books and papers relating to property which is required by law to be listed for taxation in said county. The subpoenas shall be served by the sheriff or any constable of said county to whom it is delivered, and may be served by any employee in the office of the tax supervisor. A witness so subpoenaed shall be bound to answer all questions before the tax supervisor which he would be bound to answer in like case in a court of justice, but his testimony given before the supervisor shall not be used against the witness on the trial of any criminal prosecution, other than for perjury committed on the examination. The supervisor is authorized in his official capacity to administer oaths in any matter pertaining to the listing or assessment of property for taxation in Mecklenburg County. Upon return of personal service of any such subpoena, whoever shall neglect to comply with the subpoena or shall refuse to answer any proper question before the tax supervisor shall be guilty of contempt, and upon proper certification of such facts to the Board of County Commissioners of Mecklenburg County, the said board may cite the person before it and upon a proper showing may punish such persons for such contempt, as provided by Subsection thirty of Section one hundred fifty-three - nine of the General Statutes.

Tax Supervisor of said County authorized to administer oaths.

Persons, refusing to testify, subject to charges for contempt.

If persons, ordered to produce books and records, fail to do so, Tax Supervisor is authorized to order them seized by officers.

SEC. 3. If any person, firm or corporation having been ordered and subpoenaed so to do by the tax supervisor shall fail to produce before the tax supervisor such books and papers relating to property which is required by law to be listed for taxation in Mecklenburg County as the said supervisor shall have ordered

to be produced, then the said tax supervisor shall be authorized and empowered in his discretion to order the sheriff or any constable in Mecklenburg County or any employee in the office of said supervisor to seize and impound such books and records, to the end that the tax supervisor may make proper examination of same; however, no order for any such seizure or impounding shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, the books and records to be seized and the reasons and purposes therefor.

Procedure for listing and assessing value of property not listed by owners.

SEC. 4. When the tax supervisor of said county shall discover property or polls which have not been listed for taxation in Mecklenburg County, as required by law, the same shall be assessed and listed in the name of the taxpayer by the supervisor or by some person designated by him. The supervisor shall mail a notice to such taxpayer at his last known address (or, if unknown, to the occupant or person in possession of such property) to the effect that the tax supervisor at a designated time (to be not less than five, nor more than ten, days from the date of such notice) and place, will assess the value of such property or approve the listing of such poll. At such time and place the tax supervisor shall hear any evidence and objections presented by the taxpayer, render his decision thereon, and, if necessary under said decisions, assess such property; *provided, however,* that the taxpayer shall have the right to appeal to the board of equalization and review of said county if said board has not adjourned, or to the board of county commissioners of said county at its next regular session, in case the board of equalization and review shall have adjourned; and from the decision of said board of equalization and review or of said board of county commissioners the taxpayer shall have his right of appeal to the State Board of Assessment, as in other cases provided by law. Such property so assessed and listed may then be added to the regular tax record of the county or placed in a separate record designated "Late Listings," which shall have the same force and effect as the regular tax record. *Provided, however,* nothing herein contained shall prevent the carrying forward of real estate, listed for the prior year, in accordance with law, without notice to the owner or last person listing said real estate unless, in years other than revaluation years, the valuation of such real estate shall be raised.

Right of owner to appeal to County Board.

Right of appeal to State Board of Assessment.

Collection of taxes on newly discovered non-listed property.

All property and polls not listed during the regular tax listing period shall, when eventually listed under this section or by the person carrying forward real estate, immediately be subject to the taxes for the various years for which listed or assessed, together with the penalties provided by law. All taxes levied on personal property and polls not listed during the regular tax listing period shall be due and payable immediately after the tax

rate shall have been fixed, and, if the tax rate shall not have been set, shall become due and payable as soon as the tax return shall have been fixed.

SEC. 5. The provisions of this Act shall apply only to Mecklenburg County.

This Act applies only to Mecklenburg County.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of January, 1945.

H. B. 23 CHAPTER 19

AN ACT TO REPEAL CHAPTER FIVE HUNDRED AND NINETY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE ADJUSTMENT OF DELINQUENT TAXES IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter five hundred and ninety-six of the Public-Local Laws of one thousand nine hundred and thirty-seven, relating to the adjustment of delinquent taxes by Mecklenburg County and the municipalities therein, be, and the same hereby is, repealed.

1937 Act, relating to adjustment of delinquent taxes in Mecklenburg County, repealed.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of January, 1945.

H. B. 26 CHAPTER 20

AN ACT TO AMEND CHAPTER ONE HUNDRED OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AS AMENDED, TO CONFER ADDITIONAL POWERS ON THE SANITARY DISTRICT BOARDS IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-seven, as amended, in so far as the same is applicable to Caswell County, be further amended by adding thereto a new subsection to be numbered Subsection twenty-four (d) and to read as follows:

Amending statutes relating to powers of the Sanitary Districts Boards in Caswell County.

SEC. 24. (d). The powers conferred on municipal corporations by Section sixty-three - one; sixty-three - two; sixty-three - four; sixty-three - five; sixty-three - six; sixty-three - seven; sixty-three - eight; sixty-three - nine; one hundred and sixty - two Subsection three; one hundred and sixty - two Subsection four; one hundred and sixty - two Subsection five; one hundred and sixty - one hundred and fifteen; one hundred and sixty - one

Same.

hundred and sixteen; one hundred and sixty - one hundred and seventeen; one hundred and sixty - one hundred and eighteen; one hundred and sixty - one hundred and nineteen; one hundred and sixty - one hundred and twenty; one hundred and sixty - one hundred and twenty-one; one hundred and sixty - one hundred and twenty-two; one hundred and sixty - one hundred and twenty-three; one hundred and sixty - one hundred and twenty-four; one hundred and sixty - one hundred and twenty-five; one hundred and sixty - one hundred and twenty-six; one hundred and sixty - one hundred and twenty-seven; one hundred and sixty - one hundred and twenty-eight; one hundred and sixty - one hundred and twenty-nine; one hundred and sixty - one hundred and thirty; one hundred and sixty - one hundred and thirty-one; one hundred and sixty - one hundred and thirty-two; one hundred and sixty - one hundred and thirty-three; one hundred and sixty - one hundred and thirty-four; one hundred and sixty - one hundred and thirty-five; one hundred and sixty - one hundred and thirty-six; one hundred and sixty - one hun-

Same.

dred and thirty-seven; one hundred and sixty - one hundred and thirty-eight; one hundred and sixty - one hundred and thirty-nine; one hundred and sixty - one hundred and forty; one hundred and sixty - one hundred and forty-one; one hundred and sixty - one hundred and forty-two; one hundred and sixty - one hundred and forty-three; one hundred and sixty - one hundred and forty-four; one hundred and sixty - one hundred and forty-five; one hundred and sixty - one hundred and forty-six; one hundred and sixty - one hundred and forty-seven; one hundred and sixty - one hundred and forty-eight; one hundred and sixty - one hundred and forty-nine; one hundred and sixty - one hundred and fifty; one hundred and sixty - one hundred and fifty-one; one hundred and sixty - one hundred and fifty-two; one hundred and sixty - one hundred and fifty-three; and one hundred and sixty - one hundred and fifty-four of the General Statutes of North Carolina are hereby conferred on, and may be exercised by the Sanitary Boards of Caswell County.

This Act applies only to Caswell County.

SEC. 2. That this Act shall apply only to Caswell County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of January, 1945.

H. B. 30 CHAPTER 21

AN ACT PERMITTING THE CITY OF SALISBURY TO ACCEPT PAYMENT WITHOUT INTEREST OF SPECIAL ASSESSMENTS LEVIED ON CERTAIN REAL ESTATE OWNED BY CHURCHES.

The General Assembly of North Carolina do enact:

Salisbury authorized to accept principal, without interest or penalties, on paving assessments now past due by churches, provided same be paid within 12 months.

SECTION 1. That the City of Salisbury be and it is hereby authorized and empowered to accept the principal, without interest or penalties, of all street and sidewalk assessments now outstanding and due by any and all churches on real estate lawfully owned and held by said churches, and upon which are situated buildings wholly and exclusively used for religious worship or for the residence of the minister of any such church, together with the additional adjacent land reasonably necessary for the convenient use of any such building. *Provided,* that settlement be made within twelve months from the date of the ratification of this Act.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be effective upon its ratification.

Ratified this the 25th day of January, 1945.

S. B. 17 CHAPTER 22

AN ACT TO AUTHORIZE THE TAKING OF INTERROGATORIES OF PERSONS SERVING OVERSEAS IN THE ARMED FORCES.

The General Assembly of North Carolina do enact:

General Statutes amended to provide for taking of depositions of persons serving overseas in the armed forces.

SECTION 1. That Section eight - seventy-one of Chapter eight of the General Statutes of North Carolina be, and the same hereby is, amended by adding at the end of said section the following:

Confined to civil actions and special proceedings.

Any party in a civil action or special proceeding pending in the courts of this State, may take the deposition of any person in the armed forces of the United States, by filing in the office of the clerk of the court where such action or proceeding is pending, a statement showing the name and Post Office or Fleet Post Office address of such person, together with the written interrogatories which are desired to be propounded to such person, and serve a copy thereof on the adverse party or parties to such action, or their attorneys, whereupon, within ten days after the service of said copy, said adverse party or parties may file in said clerk's office such written cross-interrogatories as said adverse party or parties may desire to propound to such person, and after the expiration of said ten days, and as promptly as may be, the clerk

Procedure for taking said depositions.

of said court shall issue a commission to any commissioned officer of any of the armed forces of the United States, without otherwise naming him, with which the person to be so examined is connected, and mail the same, together with said interrogatories and cross-interrogatories, if any, to the person so to be examined, at the address stated, authorizing any such officer upon presentation of such papers to him to propound the interrogatories and cross-interrogatories to said person, under oath, and record his answers thereto, and the deposition so taken shall be signed by such person and sworn to before, and subscribed by, his said officer, and returned to the said clerk in a sealed envelope.

Return to Clerk of the Court, in which action is pending.

Any deposition taken in the manner herein provided and transmitted to the clerk of the court where such action or special proceeding is pending, shall be deemed legal evidence, if the witness be competent, subject to opening such deposition and passing upon the same as provided by this section.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. B. 32

CHAPTER 23

AN ACT TO REPEAL CHAPTER FIVE HUNDRED AND FIFTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, RELATING TO THE HEALTH FUND BUDGET OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

1921 Act, regarding health fund budget of Mecklenburg County, repealed.

SECTION 1. That Chapter five hundred and fifty-nine of the Public-Local Laws of one thousand nine hundred and twenty-one, relating to the health fund budget of Mecklenburg County, be, and the same is hereby, repealed.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. B. 34 **CHAPTER 24**

AN ACT VESTING TITLE TO ALL PROPERTY, REAL AND PERSONAL, FORMERLY BELONGING TO THE BOARD OF WATER COMMISSIONERS OF THE CITY OF CHARLOTTE, A CORPORATION, IN THE CITY OF CHARLOTTE, A MUNICIPAL CORPORATION.

Board of Water Commissioners of Charlotte has ceased to function.

WHEREAS, the Board of Water Commissioners of the City of Charlotte, a corporation created by the General Assembly, ceased, on or about April seventh, one thousand nine hundred and seventeen, to discharge the duties for which it was organized and thereupon the City of Charlotte, a municipal corporation, took possession of all the property, real and personal, which it owned at that time, and has continued in possession of such property treating it as property belonging to the said City of Charlotte; and

Property of said Board was purchased by funds of city and taxpayers.

WHEREAS, said Board of Water Commissioners of the City of Charlotte, a corporation, was organized as an instrumentality of the City of Charlotte and the property it owned at the time it ceased to discharge the duties for which it was organized was purchased or acquired by funds provided by the City of Charlotte or the taxpayers of the City of Charlotte: Now, therefore, *The General Assembly of North Carolina do enact:*

Title to property of said Board to vest in City of Charlotte, a municipal corporation.

SECTION 1. That the title to all land and all rights and easements appurtenant thereto, and all personal property and all property of every kind and nature, real or personal, the title to which was vested in the City Board of Water Commissioners of the City of Charlotte, a corporation, at the time it ceased to discharge the duties for which it was organized be, and it is hereby, vested in the City of Charlotte, a municipal corporation, as of the time at which it took possession of such properties and the said City of Charlotte, a municipal corporation, is hereby declared to be the legal owner of all such properties as were formerly owned by the said Board of Water Commissioners of the City of Charlotte, a corporation, and not disposed of by said corporation, and the said City of Charlotte is hereby authorized and empowered to convey the same as if such properties had originally been conveyed to the said City of Charlotte.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. B. 35 CHAPTER 25

AN ACT REPEALING SECTION THREE, CHAPTER ONE HUNDRED AND NINETY, OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO THE SALARY OF THE DEPUTY CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

1941 Act, relating to salary of deputy clerk of the superior court acting as clerk of the recorder court, repealed.

SECTION 1. Section three, of Chapter one hundred and ninety, of the Public-Local laws of one thousand nine hundred and forty-one, fixing the salary of the special deputy clerk of the superior court acting clerk of the recorder court be, and the same is, hereby repealed.

Salary of said deputy clerk in Halifax County to be fixed by County Commissioners.

SEC. 1½. That the salary of the Special Deputy Clerk of the Superior Court of Halifax County and acting clerk of the recorder court of said county be fixed by the board of county commissioners and paid out of the general fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January ,1945.

H. B. 36 CHAPTER 26

AN ACT TO REQUIRE THE INSPECTION OF SCHOOL BUSES IN GATES COUNTY PRIOR TO EACH REGULAR TERM OF COURT.

The General Assembly of North Carolina do enact:

County Commissioners of Gates County to inspect school buses 10 days before each term of court and make written report to Judge.

SECTION 1. That the chairman of the Board of County Commissioners of Gates County, or some member of the board of commissioners designated by the chairman, shall, at least ten days prior to each regular term of court in Gates County, carefully inspect all of the school buses operated in that county. In making this inspection such person shall be entitled to have the services of the county mechanic in charge of the maintenance of such buses, and shall be furnished full opportunity for a complete investigation of the same. The chairman, or member of the board designated by him, making such investigation shall make a written report as to the result of his investigation to the judge presiding at each regular term of court, in which report shall be given a full statement as to what may be found as to the mechanical condition, with particular reference as to the safety of such school buses for the transportation of school children. The chairman, or member of the board making such inspection,

Commissioner, making the inspection, to be paid for services.

shall be entitled to be paid the regular per diem received as a member of the board for attending meetings of the board, plus mileage for such travel as is necessary in order to make this inspection.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. B. 37 CHAPTER 27

AN ACT TO AUTHORIZE THE COUNCIL OF THE CITY OF HIGH POINT TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE CITY.

The General Assembly of North Carolina do enact:

Council of High Point may establish traffic bureau to handle certain traffic violations.

SECTION 1. That the Council of the City of High Point may by ordinance provide a traffic bureau to accept a plea of guilty and to otherwise handle the following traffic violations within the city:

Parking over the allowed time
Parking between one a. m. and six a. m.
Parking more than twelve inches from the curb
Parking within twenty-five feet of a street corner
Parking within fifteen feet of a fire hydrant
Parking in a non-parking space
Illegal use of loading zones, bus stops, and taxi stands
Parking at entrance of alley or driveway
Parking left side of curb
Double parking
Not displaying proper lights
Making U turn in street where prohibited
Illegal left or right turn
Disregard of stop sign
Not displaying city license
Obstructing traffic.

Penalties for violations of certain traffic laws.

SEC. 2. That any person, firm or corporation receiving citations for the above offenses shall pay through the traffic bureau the following amounts as partial payment of the court cost for such violations:

All overtime parking one dollar ($1.00)

All offenses listed above other than overtime parking one dollar and fifty cents ($1.50) first offense, three dollars ($3.00) second offense. For the third offense in any twelve-month period warrant shall be issued.

SEC. 3. Any person, firm or corporation cited by the police officers of the City of High Point to appear before such traffic bureau may submit thereto a plea of guilty to such traffic violation or violations and tender the sum or sums provided for in Section two of this Act as partial payment of court cost for such violation or violations; *provided* that such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve-month period. In the event such person, firm or corporation so cited shall be unwilling to submit a plea of guilty to such traffic violation or violations, shown in the citation, thereupon a warrant shall be duly issued by the Police Department of the City of High Point and the person so charged with such violation or violations shall be tried upon such warrant in the Municipal Court of the City of High Point.

Procedure for said Traffic Bureau.

SEC. 4. That no State tax shall be paid to the State of North Carolina in such cases, except where a warrant is issued and the case is tried in the Municipal Court of the City of High Point.

No state tax except in cases where warrants are issued and cases tried.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. B. 38 CHAPTER 28

AN ACT TO ALLOW THE GOVERNING BODY OF THE CITY OF HIGH POINT TO ESTABLISH BY ORDINANCE A RETIREMENT OR PENSION FUND FOR EMPLOYEES.

The General Assembly of North Carolina do enact:

SECTION 1. That the retirement or pension fund which may hereafter be established by the governing body of the City of High Point under the provisions of this Act shall be known, and is hereafter referred to, as High Point Employees Retirement Fund.

High Point Employees Retirement Fund may be established.

SEC. 2. That the governing body of the City of High Point may establish, by ordinance, a retirement fund which provides for the payment of benefits to employee members of the High Point Employees Retirement Fund, or to their beneficiaries, in the following cases:

May provide for benefits (1) In case of retirement because of age, (2) Disability, & (3) Death.

(1) Retirement because of age,
(2) Disability,
(3) Death.

Said ordinance may also provide for a refund of contributions by employees on such basis as may be designated by the ordinance.

Ordinance to specify whether compulsory and to fix rate of contribution.

Membership may be compulsory for such officers and employees of the City of High Point as shall be so designated in the ordinance. The City of High Point and such members shall contribute jointly to the High Point Employees Retirement Fund in such proportion as shall be stated in the ordinance, in order to meet the liabilities accruing against such fund because of personal service rendered to said city by such members after the establishment of such fund: *Provided, however,* that the ordinance may provide benefits which are based, partly or entirely, upon personal services rendered to the City of High Point prior to the establishment of said fund, and the municipality may contribute the entire cost of benefits based on prior service. The expense of administering the fund shall be paid as designated in the ordinance, and the governing body of said city shall provide and appropriate each year sufficient revenue to cover its portion of the expense of the administration and its share of contributions as designated in the ordinance.

Ordinance to specify means of administering the system.

Fund to be maintained on solvent basis.

SEC. 3. That the High Point Employees Retirement Fund shall be maintained on a solvent actuarial reserve basis for all benefits beginning at the date of the inauguration of the fund, excepting the present value of benefits based on prior service.

Method of collecting contributions from members and selecting board of trustees.

SEC. 4. That the contributions required to cover the cost of benefits based on prior service shall be sufficient to fund the liability for such prior service in not more than forty years from the date of the establishment of such fund. The ordinance shall provide that required contributions by such members as hereinbefore mentioned shall be collected by deducting the amounts so required from the salary or wages due such members. The ordinance may provide for the appointment or election of a retirement board or board of trustees, and for the delegation to such board of such powers and duties as may be deemed necessary to carry out the intent and purpose for which said fund is established. If such retirement board or board of trustees is provided for by ordinance, the said board shall consist of a member or members of the governing body of the City of High Point, an employee or employees entitled to participate in said fund, and one or more citizens of the State of North Carolina, not officially connected with the governing body of any municipality or entitled to participate in the benefits of said fund.

Personnel of said Board.

City of High Point may contract with other governmental units, insurance companies or other persons for certain benefits or services.

SEC. 5. That the City of High Point may provide for the payment of one or more of the benefits enumerated in Section two of this Act by contracting with the governing body of any other municipality or municipalities within the State, with the United States Government, or with State departments or other competent agencies, or may contract with any insurance company, person or other corporation for the performance of any service in connection with the establishment of said fund, or for the investment, care or administration of said fund, or for any other service relating thereto.

Said city cannot Contribute to other retirement fund except as provided in proposed ordinance.

SEC. 6. That after the effective date of the ordinance which may hereafter be adopted under and by virtue of the authority of this Act, the City of High Point shall not contribute to any pension or retirement fund except under the provisions contained in said ordinance, and in accordance therewith.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. B. 46 CHAPTER 29

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GRAHAM COUNTY AND THE GOVERNING AUTHORITY OF THE TOWN OF ROBBINSVILLE TO APPOINT A RURAL POLICEMAN FOR SAID TOWN AND COUNTY.

The General Assembly of North Carolina do enact:

Commissioners of Graham County and governing authority of Robbinsville authorized to appoint a rural policeman.

SECTION 1. That the Board of Commissioners of Graham County and the town council or governing authority of the Town of Robbinsville in said county shall have the power, and they are hereby authorized, to appoint a rural policeman for the Town of Robbinsville and Graham County; and the said board and the governing authority of said town shall be authorized, and they are hereby empowered, to commission and clothe said rural policeman with powers and authority equal and similar to those now exercised by town marshals, constables and deputy sheriffs in said town and county.

Duties, powers and compensation of said policeman.

SEC. 2. The powers, duties, terms of office, and compensation of said rural policeman shall be fixed by the board of county commissioners and the town council or governing authority of said county and town.

Said policeman to furnish $200.00 bond.

SEC. 3. The board of county commissioners and the governing authority of said town shall require a good and sufficient bond from said rural policeman before he shall enter upon his work and duties; said bond to be not less than two hundred dol-

lars ($200.00) and conditioned upon the faithful performance of his duties.

Authority of said policeman to be county-wide.

SEC. 4. The rural policeman appointed by virtue of the authority of this Act shall be under the general control and direction of the Board of County Commissioners of Graham County and the town council or governing authority of the Town of Robbinsville; and the said rural policeman shall have authority to prosecute his work and discharge his duties anywhere within the boundaries of Graham County, including all towns, communities and villages in said county.

Method of paying salary of said policeman.

SEC. 5. The Board of County Commissioners of Graham County and the town council or governing authority of the Town of Robbinsville shall fix the salary of said rural policeman by agreement between the two governing authorities and shall order the same paid out of the general county funds and the general funds of the Town of Robbinsville or any other lawful funds; or, if they deem it wise, they may allow said rural policeman to collect the usual fees prescribed by law for serving such processes as may come into his hands and retain the same in lieu of all or a part of his compensation.

Commissioners and members of Town Council not to be liable for torts of said policeman.

SEC. 6. The Board of County Commissioners of Graham County and the members of the town council or governing authority of the Town of Robbinsville shall not be liable, individually or in their corporate capacity, for any tort or wrong committed by said rural policeman as provided for in this Act, while in the discharge of his duties; nor shall they be liable for the failure of any such officer or rural policeman to perform his duties.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. B. 47 **CHAPTER 30**

AN ACT TO AMEND CHAPTER THIRTY-SEVEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, ENTITLED "AN ACT TO INCORPORATE THE CITY OF GREENSBORO, TO DEFINE ITS CORPORATE LIMITS, AND TO PROVIDE FOR ITS GOVERNMENT; TO REPEAL THE CHARTER OF THE PRESENT CITY OF GREENSBORO, EXCEPT AS PROVIDED HEREIN; TO PROVIDE FOR THE CONTROL AND SUPPORT OF THE PRESENT GREENSBORO SCHOOL DISTRICT, AND FOR OTHER PURPOSES," AS AMENDED.

The General Assembly of North Carolina do enact:

Charter of Greensboro amended to give city clerk and deputy city clerk authority to administer oaths.

SECTION 1. That Chapter thirty-seven, Private Laws of one thousand nine hundred and twenty-three, as amended, be and the same is hereby further amended by adding the following words at the end of Section thirteen of said Chapter thirty-seven:

In addition to the powers and duties now imposed upon the city clerk and deputy city clerk of the City of Greensboro, said city clerk and deputy city clerk shall have the same power and authority to administer oaths, in the exercise of the powers and duties of their office, as is now given to every clerk of the superior court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. B. 52 **CHAPTER 31**

AN ACT PROVIDING FOR THE ELECTION OF THE CHIEF OF POLICE OF THE TOWN OF BEAUFORT BY THE TOWN COMMISSIONERS AND REPEALING CHAPTER ONE HUNDRED AND SIXTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE.

The General Assembly of North Carolina do enact:

Certain 1925 Act repealed.

SECTION 1. That Chapter one hundred and sixty-four of the Private Laws of one thousand nine hundred and twenty-five be, and the same is hereby in all respects repealed.

Chief of Police of Beaufort to serve out present term.

SEC. 2. That the incumbent chief of police shall continue to hold his office until the end of the term for which he was elected at the last municipal election for the Town of Beaufort.

SEC. 3. That on the first Monday in June, one thousand nine hundred and forty-five, the Town Commissioners of the Town of Beaufort shall elect a chief of police to serve at the will of the board and to be regulated by the rules and regulations of said board.

Town Commissioners to elect Chief of Police.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. B. 53 CHAPTER 32

AN ACT TO AUTHORIZE ONSLOW COUNTY TO APPROPRIATE NOT MORE THAN TEN PER CENT OF THE NET PROCEEDS FROM THE COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD FOR THE MAINTENANCE AND OPERATION OF ONSLOW COUNTY HOSPITAL.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Onslow County is authorized and empowered to appropriate out of the net proceeds received from the County Alcoholic Beverage Control Board, not more than ten per cent (10%) thereof for the maintenance, operation, and equipment of the Onslow County Hospital.

Commissioners of Onslow County are authorized to appropriate 10 per cent of liquor store profits for Onslow County Hospital.

SEC. 2. The governing body of said hospital shall file with the county board of commissioners not later than June first of each year, a statement showing the needs of the hospital to be provided for out of such funds.

Annual report from said Hospital to County Commissioners.

SEC. 3. This Act shall be applicable to the net proceeds of all funds received from the County Alcoholic Beverage Control Board on and after January first, one thousand nine hundred and forty-five.

Applies to net profits after January 1, 1945.

SEC. 4. All laws and clauses of laws, and in particular any provision of the County Fiscal Control Act of one thousand nine hundred and twenty-seven, in conflict with this Act, are hereby repealed to the extent of such conflict.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. B. 54 CHAPTER 33

AN ACT RELATING TO THE SALARY OF THE TREASURER OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter one hundred and thirty-four of the Public-Local Laws of one thousand nine hundred and thirty-five be, and the same is hereby, repealed and the following inserted in lieu thereof:

Certain Act of 1935 amended to enable Commissioners of Cabarrus County to fix salary of County Treasurer.

SEC. 2. The Board of County Commissioners of Cabarrus County shall fix the salary of the treasurer of said county at a sum not less than one thousand and two hundred dollars ($1,200.00) per annum nor more than two thousand and one hundred dollars ($2,100.00) per annum to be paid in monthly installments and shall be in lieu of any and all other compensation. That the salary so fixed shall be deducted by the board of commissioners pro rata from the various funds and credited to the county funds.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

S. B. 14 CHAPTER 34

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO THE OFFICE OF COUNTY ACCOUNTANT AND TAX SUPERVISOR OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

1935 Act relating to Transylvania County, amended.

SECTION 1. That Section Number three of Chapter one hundred and three of the Public-Local Laws of one thousand nine hundred and thirty-five be amended by striking out the whole of said section and substituting in lieu thereof a new section to be numbered and to read as follows:

County Commissioners of said county to fix salary of County Accountant.

SEC. 3. That the said county accountant shall receive for his services such salary as the County Commissioners of Transylvania County may deem just and fair, to be paid to him in equal monthly installments out of the general fund of Transylvania County, or such other fund of said county as may be allowed by law.

SEC. 2. That Section four of Chapter one hundred and three of the Public-Local Laws of one thousand nine hundred and thirty-five be amended by adding at the end of said section four a new sentence to read as follows:

1935 Act, relating to Tax Supervisor of said county, amended.

Provided, that the Board of County Commissioners of Transylvania County may appoint such other person as they may deem proper as Tax Supervisor for Transylvania County, who shall be paid such salary and shall have such of the duties and powers herein set forth as said board may designate. Such duties as are not imposed upon such tax supervisor shall thereafter be performed by the said county accountant.

Conflicting laws repealed.

SEC. 3. That all laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 31st day of January, 1945.

S. B. 30 CHAPTER 35

AN ACT TO REDUCE THE CORPORATE LIMITS OF THE TOWN OF BELHAVEN AND TO AMEND THE CHARTER OF SAID TOWN, AND AMEND CHAPTER THREE HUNDRED AND SIXTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE, AND CHAPTER TWO HUNDRED AND FORTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter two hundred and forty-six of the Private Laws of one thousand nine hundred and seven, be amended so that said section, with respect to the corporate limits of the Town of Belhaven shall read as follows:

1907 Act, relating to Belhaven, amended.

That the corporate limits of the Town of Belhaven shall embrace the following territory, to-wit:

Corporate Limits, Town of Belhaven:

Corporate limits of Belhaven changed.

The corporate limits of Belhaven shall be bounded as follows: Beginning at the North corner of the Independent Order of Odd Fellows Cemetery, running thence Westwardly with the Cemetery Road to the New Bullock Road; thence with said road to the Bullock Railroad Crossing; thence South forty-seven degrees West to the channel of Pantego Creek; thence with said channel of Pantego Creek Eastwardly to the channel of Pungo River; thence Northwardly with the said channel of Pungo River to the mouth of Baker's Creek at its channel; thence up the channel of

said Baker's Creek to its head and to the mouth of the canal that crosses Federal Highway Number two hundred and sixty-four just South of what is known as Harry Crandall's filling station; thence from the head of Baker's Creek up the said canal and to Federal Highway Number two hundred and sixty-four; thence with the said public road to a black gum in a branch at the North corner of J. G. Jackson's line; thence a direct course to the Northeast corner of the back line of the Interstate Cooperage Company's tenement property; thence with said back line to the Northwest corner of said company's tenement property; thence a direct line from said Northwest corner of said company's tenement property to the point of beginning.

Collection of taxes in Belhaven.

SEC. 2. That no taxes on the real and personal property in the area hereby excluded from the corporate limits of the Town of Belhaven and due the Town of Belhaven for the year one thousand nine hundred and forty-five shall be levied or collected by said town.

Same.

SEC. 3. That this Act shall not relieve the taxpayers from taxes due prior to one thousand nine hundred and forty-five on the property which is omitted from the corporate limits of said town by this Act.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 31st day of January, 1945.

S. B. 81 CHAPTER 36

AN ACT TO AMEND CHAPTER FOURTEEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, ENTITLED "AN ACT TO AMEND AND REENACT THE CHARTER OF GASTONIA GRADED SCHOOL DISTRICT," SO AS TO CHANGE THE TIME DURING WHICH REGISTRATION BOOKS SHOULD REMAIN OPEN.

The General Assembly of North Carolina do enact:

1927 Act, relating to Gastonia Graded School District, amended.

SECTION 1. Chapter fourteen of the Private Laws of one thousand nine hundred and twenty-seven is hereby amended by striking out after the word "election" in line twenty-two of Section three the words "between the hours of seven o'clock a.m. and seven o'clock p.m." and inserting in lieu thereof the following: "between the hours of nine o'clock a.m. and five o'clock p.m."; and by striking out the word "seven" in line two of Section four, and inserting in lieu thereof the word "five."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 31st day of January, 1945.

H. B. 6 CHAPTER 37

AN ACT TO AMEND CHAPTER ONE HUNDRED AND ONE, SECTION SIX (101-6) OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and one - three of the General Statutes of North Carolina is hereby amended by striking out the words, "that his name has never been changed before by law" in lines four and five and inserting in lieu thereof the words, whether his name has ever before been changed by law, and, if so, the facts with respect thereto. Amending General Statutes relating to changing names of persons.

SEC. 2. Section one hundred and one - six of the General Statutes of North Carolina is hereby amended by changing the period at the end thereof to a comma, and adding the following: except that he shall be permitted to resume his former name upon compliance with the requirements and procedure set forth in this chapter for change of name. Same.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 31st day of January, 1945.

H. B. 16 CHAPTER 38

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BELMONT IN GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Belmont, a municipal corporation located in Gaston County, North Carolina, shall be extended by annexing to the territory now within said corporate limits the area of land embraced within the following boundaries, to-wit: Corporate limits of Belmont extended.

Beginning at the end of the curb on the West side of Park Road (or Street), and runs with the West side of the hard sur-

face of Park Road (or Street) as it curves one thousand and twenty feet to the South side of the hard surface of Wilkinson Boulevard; thence with the South side of said Wilkinson Boulevard three thousand seven hundred and thirty feet to a stake on the South side of the hard surface, nearly opposite the last telephone post on the South side of said road; thence a line across the Belmont Abbey lands, North thirty-five West, seven hundred and thirty-nine feet to a black oak twenty-six and one half feet East of the center of the Piedmont and Northern Railway; thence parallel with said railway and twenty-six and one half feet from the center, North five West, seven hundred and ten feet to a stake twenty-two and one half feet East of the center of a spur track; thence South eighty-four - forty-five West, one thousand two hundred and thirty feet to a stake on the South edge of the hard surface of the McAdenville Road; thence a line across the Belmont Abbey lands, South fifteen - thirty West, five hundred and seventy-five feet to an iron, Hedgepath's corner on the South Fork Manufacturing Company's line; thence with the South Fork Manufacturing Company's line, North eighty-four West, five hundred and eight feet to an iron, Hedgepath's corner on Hall's line; thence with Hall's and the South Fork Manufacturing Company's line, South nineteen East, five hundred and eighty-two feet to a stake, the Hatch Full Fashioned Hosiery Company's corner; thence with the rear line of Hatch Full Fashioned Hosiery Company's South fifty-eight West, eight hundred and fifty-six feet to a stake, Hatch Full Fashioned Hosiery Company's corner; thence with their West line along wire fence, South thirty-seven East, one hundred and eighty-eight feet to an iron, said company's corner, thirty feet North from the North edge of the hard surface of Wilkinson Boulevard; thence across Wilkinson Boulevard, South sixty-five East, passing between Fred Strain and Ed Reid's homes, one thousand five hundred and fifty-four feet to a stake in Pantha Shipp's backyard, the present city limits; thence with the present city limits, as it curves, about four thousand and eight hundred feet to the beginning corner.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws applicable to the Town of Belmont according to the corporate limits as heretofore defined, shall be applicable to the Town of Belmont with the extended boundaries as set forth in Section one thereof as fully as if the extended boundaries had been set forth in the original charter of said municipal corporation, and each amendment thereto, and each reenactment of said charter.

SEC. 3. That all laws and clauses of laws in confiict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after ratification.

Ratified this the 31st day of January, 1945.

H. B. 17 **CHAPTER 39**

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY - ONE HUNDRED AND TWO OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO REQUIRE A CERTIFIED COPY OF THE BIRTH CERTIFICATE TO BE SUPPLIED EACH CHILD AT BIRTH.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and thirty - one hundred and two of the General Statutes of North Carolina is hereby amended by changing the period at the end thereof to a colon and adding the following proviso:

State Registrar to furnish to parents certified copy of birth certificate of child.

Provided, that upon the receipt of a certificate of birth as provided in Section one hundred and thirty - ninety-nine, the State Registrar shall within three months forward a certified copy thereof for the child to the address of the mother, if living; and if not, to the father or person standing in loco parentis to said child. No fee shall be collected for supplying this certificate.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after May first, one thousand nine hundred and forty-five.

Ratified this the 31st day of January, 1945.

H. B. 22 **CHAPTER 40**

AN ACT TO AMEND SECTION SEVEN, CHAPTER FORTY-NINE, OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO EVIDENCE AND BLOOD GROUPING TESTS IN DETERMINING THE PATERNITY OF ILLEGITIMATE CHILDREN.

The General Assembly of North Carolina do enact:

Court to order blood grouping test of defendant, mother and child in paternity cases, if person requesting same pays cost.

SECTION 1. That Section seven, Chapter forty-nine of the General Statutes of North Carolina be, and the same is hereby amended by adding a new paragraph at the end thereof as follows, to-wit:

The court before whom the matter may be brought upon motion of the defendant, shall direct and order that the defendant, the mother and the child shall submit to a blood grouping test; *provided,* that the court in its discretion may require the person requesting a blood grouping test to pay the cost thereof; that the results of a blood grouping test shall be admitted in evidence when offered by a duly licensed practicing physician or other duly qualified person.

Results to be competent evidence.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 31st day of January, 1945.

H. B. 71 CHAPTER 41

AN ACT TO ENABLE INSURANCE COMPANIES TO COMPLY WITH TAXING STATUTES, AND TO RELIEVE OFFICERS AND DIRECTORS OF INSURANCE COMPANIES OF PERSONAL LIABILITY BY REASON OF PAYMENT OF SAID TAXES SUBSEQUENTLY HELD TO BE INVALID.

The General Assembly of North Carolina do enact:

Insurance Companies to comply with laws regarding fees and taxes.

SECTION 1. Every domestic insurer shall have power to comply with any statute, ordinance or other law of any state, territory or political subdivision thereof (including the District of Columbia) imposing any license, excise, privilege, premium, occupation or other fee or tax and to pay such fee or tax unless prior to such payment such statute, ordinance or other law shall have been expressly held invalid by the state court having final appellate jurisdiction in the premises, or by the Supreme Court of the United States.

Officers of such companies not personally liable, unless prior to such payment the law, imposing the fee or tax, be declared invalid.

SEC. 2. No officer, director or trustee of any insurer shall be subject to any personal liability by reason of any payment or determination not to contest payment, deemed by the board of directors or trustees to be in the corporate interests of such insurer, of any license, excise, privilege, premium, occupation or other fee or tax to any state, territory or political subdivision thereof (including the District of Columbia), unless prior to such payment the statute, ordinance or other law imposing such fee or tax shall have been expressly held invalid by the state court having final appellate jurisdiction in the premises, or by the Supreme Court of the United States.

Applicable to payments prior to July 1, 1946.

SEC. 3. This Act shall be applicable to acts done and payments made on or prior to July first, one thousand nine hundred and forty-six; *provided, however,* that nothing contained herein shall be construed as directly or indirectly limiting, minimizing or interpreting the rights and powers of insurers and their officers, directors and trustees, heretofore existing.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 31st day of January, 1945.

S. B. 34 **CHAPTER 42**

AN ACT TO AMEND SECTION SEVEN - SEVENTY OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF COURT IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That that portion of Section seven - seventy of the General Statutes of North Carolina fixing the terms of Superior Court in Craven County is hereby rewritten to read as follows:

Fixing terms of Superior Court of Craven County.

CRAVEN—Eighth Monday before the first Monday in March; thirteenth Monday after the first Monday in March, and the first Monday in September for criminal cases only; fifth Monday after the first Monday in March, for civil cases and jail cases on the criminal docket; fifth Monday before the first Monday in March to continue for one week for the trial of civil cases only; fourth Monday before the first Monday in March to continue for two weeks for the trial of civil cases only; fourth Monday after the first Monday in September; eleventh Monday after the first Monday in September each to continue for two weeks, for civil cases only; tenth Monday after the first Monday in March, for civil cases only.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

S. B. 44 **CHAPTER 43**

AN ACT TO CHANGE THE NAME OF THE STATE BOARD OF CHARITIES AND PUBLIC WELFARE, AND TO CHANGE THE TITLE OF CHAPTER ONE HUNDRED AND EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Name of State Board of Charities and Public Welfare changed to State Board of Welfare.

SECTION 1. Section one hundred and eight - one of the General Statutes of North Carolina is hereby amended by striking out the words, "The State Board of Charities and Public Welfare" in lines two and three and inserting in lieu thereof the words, The State Board of Public Welfare.

Change of name to be made in all statutes and records relating to said Board.

SEC. 2. Wherever in the General Statutes of North Carolina, or in any Session Law, Public, Public-Local, Private or Special Act of the General Assembly, or in any rule or regulation, a duty or obligation is imposed upon the State Board of Charities and Public Welfare, or any authority, privilege or power is granted to the State Board of Charities and Public Welfare, the same shall be construed as referring to the State Board of Public Welfare.

Change of name of said Board not to change duties, functions and powers.

SEC. 3. Wherever in the General Statutes of North Carolina, or in any Session Law, Public, Public-Local, Private or Special Act of the General Assembly, or in any rule or regulation, a duty or obligation is imposed upon a county welfare board or upon a county board of charities and public welfare, or any authority, privilege or power is granted thereto, the same shall be construed as referring to the county board of public welfare which shall henceforth be the designation of any of said county welfare boards or county boards of charities and public welfare.

Title to Chapter 108 of General Statutes changed.

SEC. 4. The title to Chapter one hundred and eight of the General Statutes of North Carolina is hereby changed from "Board of Charities" to "Boards of Public Welfare."

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

S. B. 51 **CHAPTER 44**

AN ACT TO AMEND SECTION FORTY-THREE - SEVENTEEN POINT ONE OF CHAPTER FORTY-THREE OF THE GENERAL STATUTES, AFFECTING LAND REGISTRATION, UPON DISSOLUTION OF A CORPORATION WHICH IS THE REGISTERED OWNER OF LAND, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Chapter 43 of General Statutes, relating to land registration, amended.

SECTION 1. That Section forty-three - seventeen point one of Chapter forty-three, title "Land Registration," of the General Statutes of North Carolina be, and the same hereby is, amended by adding at the end of said section the following:

Like procedure may be followed as herein set forth upon the dissolution of any corporation which is the registered owner of any estate or interest in the land which has been brought under this chapter.

Certain procedure when registered certificate of title has been lost.

In the event the registered certificate of title has been lost and after due diligence cannot be found, and this fact is made to appear by allegation in the petition, such registered certificate of title need not be attached to the petition as hereinabove required, but the legal representatives of the deceased registered owner shall be made parties to the proceeding. If such persons are unknown or, if known cannot after due diligence be found within the State, service of summons upon them may be made by publication of the notice prescribed in Section forty-three - seventeen point two. In case the registered owner is a corporation which has been dissolved, service of summons upon such corporation and any others who may have or claim any interest in such land thereunder shall be made by publication of the notice containing appropriate recitals as required by Section forty-three - seventeen point two.

Certain procedure when grantee of registered land does not receive certificate of title from grantor.

If any registered owner has by writing conveyed or attempted to convey a title to any registered land without the surrender of the certificate of title issued to him, the person claiming title to said lands under and through said registered owner by reason of his or its conveyance may file a petition with the clerk of superior court of the county in which the land is registered and in the proceeding under which the title was registered praying for the cancellation of the original certificate and the issuance of the new certificate. Upon the filing of such petition notice shall be published as prescribed in Section forty-three - seventeen point two. The clerk of superior court with whom said petition is filed shall by order determine what additional notice, if any, shall be given to registered owners. If the registered owner is a natural person, deceased, or a corporation dissolved the court may direct what additional notice, if any, shall be given. The clerk shall hear the evidence, make findings of fact, and if found as a fact that the original certificate of the registered owner has been lost and cannot be found, shall enter his order directing the register of deeds to cancel the same and to issue a new certificate to such person or persons as may be entitled thereto, subject to such claims or liens as the court may find to exist.

Appeal to Superior Court.

Any party within ten days from the rendition of such judgment or order by the clerk of superior court of the county in which said land is registered may appeal to the superior court in term time, where the cause shall be heard de novo by the judge, unless a jury trial be demanded, in which event the issues of fact shall be submitted to a jury. From any order or judgment entered by the superior court in term time an appeal may be taken to the supreme court in the manner provided by law.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

S. B. 61 CHAPTER 45

AN ACT TO PRESCRIBE THE MANNER FOR FIXING THE SALARY OF THE PRIVATE SECRETARY TO THE GOVERNOR.

The General Assembly of North Carolina do enact:

Chapter 147 of General Statutes, relating to salary of Private Secretary to Governor, amended.

SECTION 1. That Section fifteen of Chapter one hundred and forty-seven of the General Statutes of North Carolina be, and the same is, amended by striking out all of the first sentence and inserting in lieu thereof the following sentence:

The salary of the Private Secretary to the Governor shall be fixed by the Governor, with the approval of the Advisory Budget Commission, and shall not be in excess of five thousand dollars ($5,000.00) per annum, and when so fixed shall be effective from and after January fourth, one thousand nine hundred and forty-five.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 27 CHAPTER 46

AN ACT TO GIVE A WIFE AN EQUITABLE SHARE OF HER INTESTATE HUSBAND'S PERSONAL ESTATE.

The General Assembly of North Carolina do enact:

Statute, relating to distribution of married man, dying intestate, changed.

SECTION 1. That Paragraphs one and two of Section twenty-eight - one hundred and forty-nine of the General Statutes of North Carolina are hereby rewritten to read as follows:

If survived by wife and one child, they share equally.

1. If a married man die intestate leaving one child and a wife, the estate shall be equally distributed between the child and wife; the child or children of any child or children of the intestate who may have died prior to the father, shall represent his, her or their parent in such distribution.

If survived by wife and more than one child, widow receives same as a child.

2. If there is more than one child, the widow shall share equally with all the children and be entitled to a child's part; the child or children of any child or children of the intestate who may have died prior to the father shall represent his, her or their parent in such distribution.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 49 CHAPTER 47

AN ACT TO AMEND SECTION ONE HUNDRED AND EIGHT - ELEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE APPOINTMENT OF MEMBERS OF COUNTY BOARDS OF PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and eight - eleven of the General Statutes of North Carolina is hereby amended by striking out the second paragraph of said section and substituting therefor the following: General Statutes, relating to appointment of County Boards of Public Welfare, changed.

The respective appointments shall be made on or before the first day of April, one thousand nine hundred and forty-five and shall be effective as of that date. In order to secure overlapping terms of office and to give continuity of policy, the first appointment of the county commissioners shall be for a term of two years; the first appointment of the State Board of Public Welfare shall be for a term of three years; and the first appointment of the third member shall be for a term of one year; but at the expiration of the terms of the three appointees their successors shall be appointed for terms of three years each. Appointments to fill vacancies shall be for the remainder of the term of office. Prior service on a county welfare board shall not disqualify any person for service under this article, but no member shall be eligible in the future to serve more than two successive terms. Appointments to be made so terms of all members shall not expire at same time.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 68 CHAPTER 48

AN ACT TO AUTHORIZE THE BOARD OF CORRECTION AND TRAINING TO COMBINE THE OFFICE OF COMMISSIONER OF CORRECTION AND THE OFFICE OF GENERAL BUSINESS MANAGER.

The General Assembly of North Carolina do enact:

Chapter 134 of General Statutes, relating to appointment of Commissioner of Correction and General Business Manager of Board of Correction, amended.

SECTION 1. That Section one hundred and thirty-four - ninety-nine of Article nine of Chapter one hundred and thirty-four of the General Statutes of North Carolina be, and the same hereby is, amended by adding at the end of said section, the following:

Whenever considered advisable, the Board of Correction and Training is authorized and empowered, in its discretion, to combine the office of Commissioner of Correction and the office of General Business Manager and have the duties of the same, as prescribed in Section one hundred and thirty-four - ninety-eight and in this section, performed by the same person.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 70 CHAPTER 49

AN ACT TO AMEND SECTION TWENTY - NINETY-FOUR OF THE GENERAL STATUTES RELATING TO DEFERRED PAYMENTS FOR LICENSES FOR MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

General Statutes, relating to deferred payments for licenses for motor vehicles, amended.

SECTION 1. That Section twenty - ninety-four of the General Statutes be amended by striking out the word "April" in lines seven and fourteen and inserting in lieu thereof the word "June."

SEC. 2. That Section twenty - ninety-four of the General Statutes be further amended by striking out the words and figures "two per cent (2%)" in line twelve and inserting in lieu thereof the words and figures "one-half of one per cent (½ of 1%)."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after December first, one thousand nine hundred and forty-four. The Commissioner of Motor Vehicles is hereby authorized to allow all persons, firms and corporations who have since December first, one thousand nine hundred and forty-four, deferred payment of one-half of their motor vehicle licenses as provided by Section twenty - ninety-four of the General Statutes prior to this Act, to execute new drafts which comply with the terms and conditions set forth in this Act in substitution for the drafts which have been deposited with said commissioner since said date, and upon the execution of said new drafts, the old drafts shall be returned to the drawers thereof.

This Act effective as of December 1, 1944.

Ratified this the 3rd day of February, 1945.

H. B. 82 CHAPTER 50

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-THREE OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE AND CHAPTER ONE HUNDRED AND THIRTY-THREE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE TO ENLARGE AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF JACKSONVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. In addition to the corporate limits of the Town of Jacksonville, North Carolina, as set out in Section two of Chapter three hundred and forty-three of the Public-Local and Private Laws of one thousand nine hundred and forty-one and Chapter one hundred and thirty-three of the Session Laws of one thousand nine hundred and forty-three, the corporate limits of the said town shall be extended so as to include the following described area:

Statutes, relating to corporate limits of Jacksonville, amended.

Beginning at a point in the center line of New Bridge Street approximately seven hundred and eighty feet Northwest of the center line of Burnt House Branch Bridge on the Swansboro Highway and approximately four hundred and twenty-five feet Southeast of the intersection of Stratford Road and New Bridge Street; thence with said line parallel with Stratford Road South forty-eight degrees twenty-five minutes West one thousand eight hundred and sixty-three and seventy-eight one hundredths feet to an iron stake; thence South thirty-five degrees twelve minutes West six hundred and seventy-one and fourteen one hundredths feet to an iron stake located in the center of Hemby Branch; thence along the center line of Hemby Branch the following courses and distances, South seventy-nine degrees forty-

Extended limits.

two minutes West one hundred and forty-seven feet to an iron stake; thence South fifty-six degrees eleven minutes and thirty seconds West ninety-nine and seven one hundredths feet to an iron stake; thence South twenty-one degrees twenty-two minuts West one hundred and eighteen and four one hundredths feet to an iron stake; thence South twenty-five degrees forty-two minutes West three hundred feet to an iron stake; thence South seventeen degrees thirty-two minutes West fifty-two feet to an iron stake; thence South seven degrees thirty-two minutes West eighty-three feet to an iron stake; thence South thirty-three degrees four minutes West one hundred and thirty-one and eight tenths feet to an iron stake; thence South seventy-one degrees West ninety-five feet to an iron stake at the high-water mark in Wilson Bay which is a part of New River; thence up and with the shore of Wilson Bay and New River to the mouth of a ditch or branch below the Atlantic Coast Line Railroad trestle which is now the Southward boundary of the corporate limits of the Town of Jacksonville; thence following the present corporate limits of the Town of Jacksonville Eastwardly to the beginning, and being all of the property between the Marine Base lines Southeast of the Town of Jacksonville and the present corporate limits of said town including the development known as Bayshore Estate along with all other property between the old corporate limits and the Marine Base.

Extended limits.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 84 CHAPTER 51

AN ACT TO AMEND SECTION ONE OF CHAPTER ONE HUNDRED AND SIXTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO FEES OF JUSTICES OF THE PEACE OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

1941 Act, relating to costs assessed by Justices of Peace, amended.

SECTION 1. Section one of Chapter one hundred and sixty-five of the Public Laws of one thousand nine hundred and forty-one is hereby amended by inserting in the "Justice of the Peace Bill of Cost in Civil Actions" and the "Justice of the Peace Bill of Cost in Criminal Actions," therein set out, the following:

Entering judgment on his docket ..... $ .50

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 106 CHAPTER 52

AN ACT TO LEGALIZE AND VALIDATE ACTS DONE AND PROCEEDINGS TAKEN TO PROVIDE FOR THE ISSUANCE OF CERTAIN BONDS OF THE TOWN OF SOUTHERN PINES, AND TO PROVIDE FOR THE ISSUANCE AND PAYMENT OF SUCH BONDS AND FOR THE ESTABLISHMENT AND MAINTENANCE OF THE IMPROVEMENTS FINANCED BY THE ISSUANCE OF SUCH BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The acts done and proceedings taken by the Board of Commissioners of the Town of Southern Pines, or by other officers of said town, in relation to the issuance of bonds of said town of an aggregate principal amount not exceeding thirty-three thousand dollars ($33,000.00) to finance the cost of providing a community building to be used by said town and its inhabitants as a public place of amusement or recreation, and of bonds of said town of an aggregate principal amount not exceeding twelve thousand dollars ($12,000.00) to finance the acquisition and improvement of certain lands in said town for use by the inhabitants of said town as a play or recreation grounds or athletic grounds, including the bond ordinances providing for the issuance of said bonds adopted by said board of commissioners on the ninth day of February, one thousand nine hundred and forty-four, and the acts done and proceedings taken for the purpose of submitting to the qualified voters of said town at a special election held in said town on the twenty-eighth day of March, one thousand nine hundred and forty-four, the question whether said bond ordinances and the indebtedness to be incurred in issuing said bonds and the levy annually of a tax sufficient to pay said bonds and the interest thereon, authorized thereby, should be approved or disapproved, are hereby legalized and validated, notwithstanding any lack of power in said board of commissioners or other officers of said town to authorize and issue said bonds or to sell, execute and deliver the same, and notwithstanding any defects or irregularities in such proceedings, including the notice of such election and the proceedings or acts done to canvass and determine and declare the result of such election. To legalize proceedings of Board of Commissioners of Town of Southern Pines and validate Bonds issued for Community Building.

Bonds, issued for said purpose, validated.

SEC. 2. The bonds heretofore issued by said town pursuant to said ordinances are hereby legalized and validated and are hereby declared to be valid obligations of said town. Said town shall have power to issue any bonds authorized by said bond ordinances but not yet issued in the manner and subject to the conditions and limitations prescribed by law for the issuance of bonds authorized by a bond ordinance adopted pursuant to the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, and when said bonds shall have been issued pursuant to said bond ordinances and in accordance with such law they shall constitute valid and binding obligations of said town.

Taxes, levied to pay said Bonds, validated.

SEC. 3. The board of commissioners of said town is hereby authorized to levy annually a special tax ad valorem on all taxable property in said town for the purpose of paying the principal of and interest on said bonds as the same become due and payable, and such tax shall be sufficient for such purpose and shall be in addition to all other taxes which said town is authorized to levy.

Town of Southern Pines authorized to maintain said recreational facilities.

SEC. 4. Said town is hereby authorized to establish and maintain the improvements financed by the issuance of said bonds.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 115 CHAPTER 53

AN ACT TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS AND COUNTY BOARD OF EDUCATION OF CURRITUCK COUNTY TO PUBLISH ITS MINUTES IN SOME NEWSPAPER HAVING A CIRCULATION IN THE COUNTY AND TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF.

The General Assembly of North Carolina do enact:

Publication of minutes of meetings of Board of Commissioners of Currituck County.

SECTION 1. Within two weeks after the close of each meeting of the County Commissioners of Currituck County, the minutes thereof shall be published one time in some newspaper having a circulation within the county. In the publication of the minutes of the board of county commissioners, the size of type to be used shall not exceed the size of the regular reading or body type used by the newspaper in its regular news columns. Said minutes of the board of county commissioners shall be set in the same single column style as the regular news material published in the paper and the only type larger than the regular news type shall

be the heading which shall be fourteen (14) point karnak bold. The board of county commissioners shall publish merely the subject matter of lengthy communications, resolutions, notices, or similar matter, in condensed form, without being required to publish said material in detail. The newspaper publishing said minutes of the board of county commissioners shall not charge for same in excess of the local rate charged local merchants for using the same space during the course of a year, and in no case shall this price exceed forty cents (40c) per column inch.

Publication of minutes of meetings of Board of Education of said County.

SEC. 2. Within two weeks after the close of each meeting of the Board of Education of Currituck County, the minutes thereof shall be published one time in some newspaper having a circulation in the county in the same type and at the same cost and in all other respects the same as prescribed for the publishing of the minutes of the Board of County Commissioners of Currituck County prescribed in Section one hereof.

Costs of said publication to be paid by said County.

SEC. 3. The cost of said publications shall be paid by Currituck County and the board of County commissioners of said county is hereby authorized, directed, and empowered, in order to provide funds for this purpose, to levy a tax at a rate sufficient to raise a fund to cover the actual cost of said publication, the cost of said publication not to exceed two hundred dollars ($200.00) per year for the minutes of the board of county commissioners and two hundred dollars ($200.00) for the minutes of the board of education. Said levy shall begin with the tax year of one thousand nine hundred and forty-five and shall be made during each year thereafter.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

S. B. 49

CHAPTER 54

AN ACT RELATING TO PERMANENT RECORDS OF REAL ESTATE FILED IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Suitable books to be furnished Register of Deeds of Rockingham County for filing maps.

SECTION 1. That the Board of Commissioners for the County of Rockingham are hereby directed to furnish to the register of deeds of said county, at the expense of the county, sufficient books or binders of the proper size, durably and safely bound, and made of strong linen cloth or linen tracing paper, in which to file all maps or plats of real estate offered for registration in the office of the said register of deeds.

Certain regulations for filing said maps.

SEC. 2. That the said Board of Commissioners for the County of Rockingham shall, after first consulting with the register of deeds of said county, adopt standard sizes for all maps or plats to be filed in said office and shall adopt such other regulations regarding the filing of maps and plats as may be necessary. From and after such time as the adoption of said standard sizes and regulations, the register of deeds of said county shall require all maps offered to be filed in his said office to conform to said standard sizes and regulations.

Regulations regarding maps previously filed in said County.

SEC. 3. That the Board of Commissioners of the County of Rockingham shall forthwith, at the expense of said county, cause the register of deeds of said county to transfer into map books of the kind described in Section one of this Act, all maps and plats which have been filed in the office of the register of deeds and are now in existence. Such transfer shall be effected by the use of photostatic copies or by some other accurate and perfect manner of transcribing on scales to conform to the standard sizes to be adopted under the provisions of Section two of this Act. Any such maps may be recorded in sections if necessary because of the large size thereof. Each and every map or plat so transferred and recorded shall show thereon a reference to the old book and page where the same was originally recorded.

Regulations for preservation said Books of Maps.

SEC. 4. That the books into which such maps shall be transferred as aforesaid, as well as the other books of maps or plats herein provided for, shall be public records of Rockingham County, and shall be safeguarded and kept as such, and shall be admissible in evidence as such. They shall be fully indexed and they shall also contain a table showing by cross references the comparative places in the old books and in the new books where the several maps or plats are located.

Old books or maps to be preserved.

SEC. 5. That the old books of maps or plats and records from which such maps or plats shall have been transferred, as hereinbefore required, shall be carefully and permanently preserved in the office of the Register of Deeds of Rockingham County.

Regulations for filing old maps.

SEC. 6. That any person having a map or plat of land in Rockingham County, North Carolina, as to which the full proof now required to entitle a map or plat to registration in said county cannot be made by reason of the death or absence from the State of the person who made the same or the survey shown thereon, or for other reason found sufficient by the judge hereinafter mentioned, or who has any ancient map or plat (more than twenty years old) which it would be to the interest of the public to have preserved, may exhibit the same to the resident or presiding judge of the Superior Court of Rockingham County, North Carolina, and apply for an order for the registration of the same; and if such judge shall make order that the same be recorded in the office of the Register of Deeds of Rockingham

County, the same shall be admissible to registration in the office of said register of deeds, and the record of the same so made in said office shall be available for such uses as the original might be competent for and such as may be held proper.

Books of maps to be prepared in duplicate.

SEC. 7. That when the maps or plats are transferred as hereinbefore provided, two complete sets thereof shall be made, one of which shall be for the use of the public in the vault of said register of deeds, and the other of which shall be preserved by the said register of deeds in the said vault without being handled by the public except in the presence of and by leave of the register of deeds; and hereafter whenever a map or plat is filed for registration in the office of said register of deeds, the same shall be filed in duplicate, and the register of deeds shall file and preserve one copy thereof in the volumes of maps or plats accessible to the public in said vault, and the other duplicate thereof said registeer of deeds shall keep in said vault and it shall not be used by the public except in the immediate presence and by leave of the said register of deeds. This is intended to accomplish the preservation at all times, without mutilation, of all maps or plats belonging in said office, and to furnish the opportunity of renewing the same by photostatic or transcribed copies in later years, so that there may be at all times preserved in said vault and registry a perfect set of said maps or plats.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

S. B. 52

CHAPTER 55

AN ACT TO REWRITE CHAPTER ONE HUNDRED AND TWENTY-ONE OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO REDEFINE AND CLARIFY THE DUTIES AND FUNCTIONS OF THE STATE DEPARTMENT OF ARCHIVES AND HISTORY.

The General Assembly of North Carolina do enact:

Chapter 121 of General Statutes, relating to State Department of Archives and History, rewritten.

SECTION 1. Chapter one hundred and twenty-one, State Department of Archives and History, of the General Statutes of North Carolina, is hereby rewritten to read as follows:

Shall be known as State Department of Archives and History.

121-1. Name. The archival and historical agency of the State of North Carolina shall be the State Department of Archives and History.

Said Department shall be governed by an Executive Board.

121-2. Executive Board. The department shall be governed by an executive board, composed of the seven persons heretofore appointed and now serving as the governing board of the department. At the expiration of the current term of each member, his successor shall be appointed by the Governor for a term of six years and until his successor shall be appointed and qualified. Thereafter all members shall be appointed by the Governor and their terms shall be for six years and until their successors shall be appointed and qualified. Four members of the board shall constitute a quorum. In case of a vacancy in any of the above terms, the person appointed to fill such vacancy shall serve only for the unexpired term and until his successor shall be appointed and qualified. The members of the board shall serve without salary, but shall be allowed their actual expenses when attending to their official duties, to be paid out of any funds appropriated for the maintenance of the department.

Said Board to be appointed by the Governor. Four members shall constitute a quorum. Members to serve without salary but shall receive expenses.

Director to be elected by said Executive Board and work under supervision of said Board.

121-3. Director; Salary; Removal. The executive board shall elect a director of the department whose duty it shall be, under the supervision of the board, to direct and administer the work and activities of the department as defined and specified by law. The director shall have authority, with the approval of the board, to make rules and regulations covering the administration and use of the materials in the custody of the department. He shall serve at a salary to be fixed by the board and approved by the Budget Bureau. The board, after proper notice and hearing, may remove the director from office for neglect of duty, malfeasance, misfeasance, or nonfeasance in office. The director may employ such other qualified persons as may be needed to perform the work and carry out the duties of the department, as defined by law.

Salary of Director to be fixed by Board and approved by Budget Bureau.

Removal of Director by Board.

121-4. Duties of the department. The following shall be the duties of the department:

Duties of said Department.

(1) To preserve and administer such public archives as shall be transferred to its custody, and to collect, preserve, and administer private and unofficial historical records and relics relating to the history of North Carolina and the territory included therein from the earliest times. The department shall carefully protect and preserve such materials from deterioration, mutilation, loss, or destruction, and, when feasible, shall collate, classify, and file them according to approved archival practices, and shall permit them, at reasonable times and under the supervision of the department, to be inspected, examined, or copied: *Provided*, any materials placed in the keeping of the department under special terms or conditions restricting their use

shall be made accessible only in accordance with such terms or conditions;

(2) To promote and encourage throughout the State the preservation and proper care of archives, historical manuscripts, and other historical materials; Preservationu of historical material.

(3) To encourage and assist in the proper marking and preservation of places of importance in the history of the State; Preservation of historical places.

(4) To have materials on the history of North Carolina properly edited, published as other State printing, and distributed under the direction of the department; Publication of historical material.

(5) To maintain a historical museum, to collect and preserve therein artifacts, curios, relics, and any other objects whatsoever which are of historical significance to North Carolina, and when feasible to display such objects. The museum shall be free to all visitors at reasonable times to be determined by the department; Maintenance of historical museum.

(6) To make to the Governor a biennial report of its receipts and expenditures, its activities and its needs, including recommendations for improving and broadening its services to the State, to be transmitted by the Governor to the General Assembly; Biennial Reports.

(7) To cooperate with and assist, in so far as practicable, historical and other organizations engaged in activities in the fields of North Carolina archives and history. Cooperation with historical organizations.

121-5. Powers of the executive board. The following shall be the powers of the board: Powers of said Executive Board.

(1) To adopt a seal for use in official business; Adoption of Seal.

(2) To adopt rules for its own government not inconsistent with the provisions of the laws of the State of North Carolina; Adoption of regulations.

(3) To fix a reasonable price for any of its publications and to devote the revenue arising from such sales to the work of the department; Fix price of its publications.

(4) To control the expenditure of such funds as may be appropriated for the department, subject to the provisions of the Executive Budget Act; Control expenditures.

(5) To accept gifts, bequests, and endowments for purposes which fall within the general legal powers and duties of the department. Unless otherwise specified by the donor or legator, the board may either expend both the principal and interest of any gift or bequest or may invest such funds, in whole or in part, in such securities as those in which the State Sinking Fund may be invested. Acceptance of gifts and endowments.

Preservation of State and local records.

121-6. Preservation of records; copies furnished. Any state, county, town, or other public official is hereby authorized and empowered to turn over to the department any state, county, town, or other public records no longer in current official use, and the department is authorized in its discretion to accept such records, and having done so, shall provide for their administration and preservation. When such records have been thus surrendered, photographs, photocopies, microfilms, typescripts, manuscripts, or other copies of them shall be made and certified by such person or persons as may be authorized by the executive board for this purpose, under the seal of the department, upon application of any person, which certification shall have the same force and effect as if made by the official or agency by which the records were transferred to the department, and the department may charge reasonable fees for such copies.

Furnishing copies of historical records and charges for same.

Disposition of valueless records.

When the custodian of official State records certifies to the Director of the State Department of Archives and History that such records have no further use or value for official or administrative purposes and when the State Department of Archives and History states that such records appear to have no further use or value for historical research or other scholarly purposes, then such records may be destroyed or otherwise disposed of by the agency having custody of them.

Same.

When the custodian of any official records of any county, city, town, or other governmental agency certifies to the State Department of Archives and History that such records have no further use or value for official business and when the Director of the State Department of Archives and History states that such records appear to have no further use or value for historical research or other scholarly purposes, then such records may be authorized by the governing body of said county, city, town, or other governmental agency to be destroyed or otherwise disposed of by the agency having custody of them. The executive board of the department is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of this section.

Records of Emergency Relief Administration.

121-7. Custody of Emergency Relief Administration records; use of Emergency Relief Administration funds. The Emergency Relief Administration records of North Carolina shall be turned over to the State Department of Archives and History to be arranged, classified, and made available for public investigation under the rules and regulations of said department in accordance with the other provisions of this Act. When the department deems it advisable, microfilms, photocopies, or other copies of these records may be made and preserved in lieu of the original records, which may thereupon be destroyed or otherwise disposed of.

For the purpose of carrying out the provisions of this section the Governor and Council of State shall allot the remaining funds granted to the State of North Carolina for the Emergency Relief Administration or any such funds hereafter accruing from claims, collections, or otherwise, to the State Department of Archives and History, to be used in arranging, classifying, microfilming, photocopying or otherwise copying, and making available to the public the said records in accordance with the purpose of the funds. The said funds are to be disbursed in accordance with and under the terms of the Executive Budget Act. Funds of Emergency Relief Administration.

Any balance remaining in the said funds after these records are arranged, classified, and made available to the public by the State Department of Archives and History shall revert to the State Board of Charities and Public Welfare.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

S. B. 57

CHAPTER 56

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND TWENTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE RELATING TO THE PUBLIC ROADS OF BUNCOMBE COUNTY AND AUTHORIZATION TO LEVY SPECIAL TAXES FOR ROAD PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter three hundred and twenty-eight of the Public-Local Laws of one thousand nine hundred and twenty-three relating to the consolidation and amendment to the road laws of Buncombe County and authorization to levy a special tax in said county for road purposes be, and the same is, hereby in all respects, repealed. Certain Acts of 1923, relating to roads of Buncombe County, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

S. B. 77 CHAPTER 57

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GUILFORD COUNTY TO PROVIDE "SICK LEAVE" FOR ITS EMPLOYEES.

The General Assembly of North Carolina do enact:

Payment of salaries of sick employees of Guilford County.

SECTION 1. The Commissioners of Guilford County are hereby authorized and empowered to pay salaries of their employees when they are absent from their duty on account of sickness under such rules and regulations as to them seem just and proper.

Sick leave for employees of Guilford County.

SEC. 2. The Commissioners of Guilford County are hereby authorized to make the necessary rules and regulations to provide "sick leave" for their employees as in this Act provided.

Apply only to Guilford County.

SEC. 3. This Act shall apply only to the County of Guilford.

Conflicting laws repealed.

SEC. 4. All laws and clauses of law in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this 3rd day of February, 1945.

H. B. 8 CHAPTER 58

AN ACT TO AMEND CHAPTER TWENTY-EIGHT, SECTION NINETEEN OF THE GENERAL STATUTES OF NORTH CAROLINA FIXING THE PENALTY OF THE BOND FOR THE PUBLIC ADMINISTRATOR OF FORSYTH COUNTY AND TO PROVIDE FOR THE PAYMENT OF THE PREMIUM ON SAID BOND FROM THE GENERAL FUND OF THE COUNTY.

The General Assembly of North Carolina do enact:

Certain General Statutes, relating to penalties on bonds, rewritten for Forsyth County.

SECTION 1. Section twenty-eight - nineteen of the General Statutes of North Carolina is hereby rewritten as follows to apply only to Forsyth County:

Bond of Public Administrator of Forsyth County to be $35,000.00.

SEC. 28-19. (1) The Public Administrator of Forsyth County as appointed by the clerk shall give a bond as such public administrator with the penalty of thirty-five thousand dollars and if the public administrator has already given bond as such fiduciary in the penalty of less than thirty-five thousand dollars, that upon the ratification of this Act, the Clerk of Superior Court of Forsyth County shall require the said public administrator to give an additional bond so that the total sum of all bonds given by him under his present appointment shall equal thirty-five thousand dollars.

Said Bond must have corporate surety.

(2) The Public Administrator of Forsyth County must give a corporate surety on his public administrator's bond.

Forsyth County to pay premium.

(3) The premium charged by the surety company for the said public administrator's bond as herein provided, shall be paid from the General Fund of Forsyth County upon the statement for such premium being approved by the Clerk of Superior Court of Forsyth County.

Premium not charged against any estate.

(4) On estates covered by the public administrator's bond, neither the clerk nor the public administrator shall make a charge against any of said estates to cover any part of the bond premium paid from the General Fund of Forsyth County.

Regulations regarding present bonds and premiums of said Public Administrator.

(5) The clerk shall audit the public administrator's accounts covered by his present bonds and shall ascertain the amount of the bond premium paid to the surety company by the said public administrator to cover the cost of the said bonds in the estates in which final reports have already been filed and upon the completion of the said audit, the public administrator shall be reimbursed for the excess of the bond premiums hereinbefore paid by him over the amount that he has deducted toward the expense of the said bond from previous estates.

Clerk of Superior Court not liable in estates handled by Public Administrator.

(6) The Clerk of Superior Court of Forsyth County shall not be liable for losses sustained by anyone interested in the estates administered by the Public Administrator of Forsyth County, if such clerk has exercised reasonable care and good faith in complying with the provisions of this Act.

Separate bond, if personalty of an estate equals $5,000.00.

(7) Bond as herein provided shall cover all estates administered by the Public Administrator for Forsyth County when the value of the personal assets at the time of the qualification is less than five thousand dollars. When the Public Administrator for Forsyth County files application for appointment to administer an estate of a deceased person and the total value of all personal assets is five thousand dollars or more, then the said administrator must give a separate bond for that particular estate and premiums charged on such bond shall be paid from that estate.

Minimum commissions of Public Administrator to be $15.00.

(8) The public administrator shall receive minimum commissions in each estate of fifteen dollars and he shall not be compelled to qualify in any estate unless the reasonable cost of the estate including his minimum commissions shall be advanced by the heirs or parties interested in having the said estate administered.

If Public Administrator serves more than one term, each bond liable only for term given.

(9) When a person appointed as public administrator in a county succeeds himself and has given the required bond for each term or each appointment the surety on each bond is liable only to the amount of the bond given for each term and for losses sustained by anyone during each term or appointment.

Transfer of assets of estates not completely administered.

(10) When a person succeeds himself as public administrator and there are estates on which administrations have not been completed and for which he has qualified, the assets remaining on hand at the time of his new appointment shall be and the same are hereby transferred over to himself as successor public administrator and his bond given at the time of each appointment shall be liable for assets transferred or that should have been transferred, even though an actual transfer may not have been made on his books and records.

Liability to be same as other fiduciaries.

(11) The liability of a public administrator and the surety on his bond shall be liable as all other fiduciaries are now or may hereafter be liable for any loss sustained by anyone by reason of the administration of any estate in which such person may be interested in any way.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 43 CHAPTER 59

AN ACT TO AMEND CHAPTER SIX HUNDRED AND FIFTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AS AMENDED, THE SAME BEING ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT FOR THE CITY OF GREENSBORO AND PRESCRIBE THE JURISDICTION THEREOF."

The General Assembly of North Carolina do enact:

1909 law, regarding municipal court of Greensboro, amended.

SECTION 1. That Section seven of Chapter six hundred and fifty-one, Public Laws of one thousand nine hundred and nine, be and the same is hereby repealed and a new Section seven is hereby substituted and enacted in lieu thereof:

Issuance of criminal process in said Court.

SEC. 7. The Clerk of the Municipal Court, an Assistant Clerk or Deputy Clerk of the Municipal Court, the Chief of Police of the City of Greensboro, or any Police Officer of the City of Greensboro shall issue all processes of the Criminal Division of the Municipal Court of the City of Greensboro on affidavit made before said clerk, assistant clerk or deputy clerk or chief of police or police officer, and such processes shall be returnable forthwith to said court and in case of the absence of said clerk, assistant clerk, deputy clerk, chief of police or police officers the prosecuting attorney may issue said warrant. Any person convicted in said court shall have the right of appeal to the

Appeal to Superior Court.

Superior Court of Guilford County, as is now provided by general law for appeals from judgment of justices of the peace, and upon such appeal the trial shall be de novo.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 48 CHAPTER 60

AN ACT TO PROVIDE FOR THE TRANSFER OF CASES FROM THE RECORDER'S COURT OF PENDER COUNTY TO THE SUPERIOR COURT WHEN JURY TRIALS ARE REQUESTED.

The General Assembly of North Carolina do enact:

SECTION 1. Section seven - two hundred and twenty-eight, of the General Statutes of North Carolina relating to jury trials in Recorder's Court shall not apply to the Recorder's Court of Pender County. Recorder's Court of Pender County.

SEC. 2. In all trials in the Recorder's Court of Pender County, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall, if there has been no preliminary examination, hear evidence, and if it shall appear to the recorder that no offense has been committed by any person or that there is no probable cause for charging the prisoner with an offense, he shall discharge such prisoner. If it shall appear that an offense has been committed and that there is probable cause to believe that the defendant is guilty, or if the defendant has had a previous preliminary examination and probable cause has been found, it shall be the duty of the recorder, upon demand for a jury by the defendant or the prosecuting attorney representing the State, to transfer said trial to the Superior Court of Pender County and the defendant shall execute a new bond in such amount as named by the recorder for his appearance at the next term of the Superior Court of Pender County. Procedure when trial by jury demanded in said Court.

SEC. 3. This Act shall be applicable only to Pender County. Applies only to Pender County.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 51 CHAPTER 61

AN ACT TO REQUIRE COTTON BROKERS AND OTHER PERSONS BUYING COTTON TO KEEP RECORDS OF THEIR PURCHASES.

The General Assembly of North Carolina do enact:

Purchasers of cotton must keep records of purchases.

SECTION 1. That every cotton broker or other person buying cotton from the producer after it is ginned shall keep a record of such purchase for a period of one year from date of purchase. This record shall contain the name and address of the seller of the cotton, the date on which purchased, the weight or amount and the serial number of the bales provided for by General Statutes one hundred and six - four hundred and fifty-one. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 57 CHAPTER 62

AN ACT TO AMEND CHAPTER SIXTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AND CHAPTERS TWO HUNDRED AND SIXTY-FOUR AND FOUR HUNDRED AND EIGHTY-FIVE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, RELATING TO THE SALARIES OF COUNTY OFFICIALS IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

1939 and 1943 laws, relating to salaries of officials of Duplin County, amended.

SECTION 1. That Section seven of Chapter sixty-seven of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby rewritten to read as follows:

Salaries of County Commissioners.

SEC. 7. That the salary of the Chairman of the Board of County Commissioners of Duplin County shall be not less than fifty dollars ($50.00) per month nor more than seventy-five dollars ($75.00) per month, to be determined by the board of county commissioners; and the salaries of the other four members of the Board of County Commissioners of Duplin County shall be not less than twenty-five dollars ($25.00) per month nor more than thirty-seven dollars and fifty cents ($37.50) per month, to be determined by the board of county commissioners.

SEC. 2. That Section eight of Chapter sixty-seven of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby rewritten to read as follows:

Salary of County Attorney.

SEC. 8. That the salary of the County Attorney of Duplin County shall be not less than fifty dollars ($50.00) per month nor more than seventy-five dollars ($75.00) per month, to be determined by the board of county commissioners. This salary shall be the complete salary for the performance of all duties as county attorney except the duties in connection with tax suits.

SEC. 3. That Section one of Chapter two hundred and sixty-four of the Session Laws of one thousand nine hundred and forty-three is hereby amended by rewriting the last sentence thereof to read as follows:

Salary of County Judge.

The salary of said judge shall be not less than one thousand and five hundred dollars ($1,500.00) per annum nor more than one thousand and eight hundred dollars ($1,800.00) per annum, payable monthly, to be determined by the board of county commissioners.

SEC. 4. That Section two of Chapter two hundred and sixty-four of the Session Laws of one thousand nine hundred and forty-three is hereby amended by rewriting the last sentence thereof to read as follows.

Salary of County Prosecuting Attorney.

The salary of said prosecuting attorney shall be not less than one thousand and two hundred dollars ($1,200.00) per annum nor more than one thousand and five hundred dollars ($1,500.00) per annum, payable monthly, to be determined by the board of county commissioners.

SEC. 5. That Sections one, two and three of Chapter four hundred and eighty-five of the Session Laws of one thousand nine hundred and forty-three are hereby rewritten to read as follows:

Salary of first Deputy Sheriff.

SECTION 1. That the first Deputy Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper: *Provided,* that such salary shall be not less than one hundred and fifty dollars ($150.00) per month. The first deputy sheriff shall receive also the sum of twenty-five dollars ($25.00) per month for the use of his car in the performance of his duties. This salary and allowance shall be paid from the general fund of Duplin County.

Salary of second Deputy Sheriff.

SEC. 2. That the second Deputy Sheriff of Duplin County shall be paid such salary as the board of county commissioners may deem just and proper: *Provided,* that such salary shall be not less than one hundred and twenty-five dollars ($125.00) per month. The second deputy sheriff shall receive also the sum of twenty-five dollars ($25.00) per month for the use of his

car in the performance of his duties. This salary and allowance shall be paid from the general fund of Duplin County.

Salary of Deputy Sheriff.

SEC. 3. That the Office Deputy Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper: *Provided,* that such salary shall be not less than one hundred dollars ($100.00) per month. This salary shall be paid from the general fund of Duplin County.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 69 CHAPTER 63

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF LENOIR COUNTY TO APPROPRIATE FUNDS FOR A TEN PER CENT INCREASE IN THE SALARIES OF TEACHERS IN THE PUBLIC SCHOOLS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

County Commissioners of Lenoir County authorized to appropriate funds for a ten per cent increase in salaries of Teachers for certain months in 1944.

SECTION 1. That the Board of Commissioners of Lenoir County are hereby authorized and empowered to appropriate to the Board of Education of Lenoir County, and to the Board of Trustees of the Kinston City Administrative Unit, a sum sufficient to pay to the State allotted school teachers in the public schools in Lenoir County and in the Kinston graded school a ten per cent (10%) increase of the salaries now paid said teachers for the months of September, October, November and December, one thousand nine hundred and forty-four, said appropriation to be made by the Board of County Commissioners upon request of the Board of Education of Lenoir County and the Board of Trustees of the Kinston City Administrative Unit upon budgets presented by them for such purpose, and the said supplement to said salaries shall be paid from any funds received by Lenoir County, other than from taxes, in excess of the budgeted anticipated revenues accruing during the fiscal year one thousand nine hundred and forty-four - one thousand nine hundred and forty-five. The said appropriation, when made, shall be available to the Board of Education of Lenoir County and the Board of Trustees of the Kinston City Administrative Unit for distribution to the said State allotted teachers so that each teacher shall receive a proportionate share made available for this purpose.

SEC. 2. That the Board of Commissioners of Lenoir County are further authorized and empowered, in their discretion, and in such amount and at such time as they may deem wise and proper, to, in like manner and from the same sources if funds shall be available therein, supplement salaries payable to said teachers for services rendered for the months of January, February, March, April, May and June, one thousand nine hundred and forty-five, the amount to be used for said purpose in no event to exceed ten per cent (10%) of the combined salary payroll for said period of said county and city schools.

Same for certain months in 1945.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 74

CHAPTER 64

AN ACT TO REPEAL CHAPTER FIVE HUNDRED EIGHTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, AND TO AUTHORIZE THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO PAY TO THE COUNTY ATTORNEY OF FRANKLIN COUNTY THE BALANCE UNPAID FOR SERVICES RENDERED UNDER CONTRACT.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter five hundred and eighty-six of the Public Laws of one thousand nine hundred and forty-three be and the same is hereby repealed.

Franklin County authorized to pay certain money to County Attorney.

SEC. 2. That the County Commissioners of Franklin County be and they are hereby authorized and empowered to pay to John F. Matthews, county attorney, the sum of four hundred and fifty dollars ($450.00), representing the balance due and unpaid under the contract for the year one thousand nine hundred and forty-two - one thousand nine hundred and forty-three referred to in the preamble hereof.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 75 CHAPTER 65

AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Compensation of County Commissioners of Davidson County.

SECTION 1. That the Chairman of the Board of County Commissioners of Davidson County shall receive, in full compensation for the performance of his duties as chairman, a salary of sixty dollars ($60.00) per month.

Each member of the Board of County Commissioners of Davidson County, other than the chairman, shall receive, in full compensation for the performance of his duties as county commissioner, a salary of thirty dollars ($30.00) per month.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 76 CHAPTER 66

AN ACT TO AMEND SECTION SEVEN - SEVENTY OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF COURT IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Terms of Court in Avery County.

SECTION 1. That that portion of Section seven - seventy of the General Statutes of North Carolina fixing the terms of Superior Court in Avery County is hereby rewritten to read as follows:

Avery—sixth Monday after the first Monday in March, for two weeks, for the trial of both criminal and civil cases; ninth Monday before the first Monday in September, for two weeks, for the trial of both criminal and civil cases; sixth Monday after the first Monday in September, for two weeks, for the trial of both criminal and civil cases.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 85 CHAPTER 67

AN ACT TO AMEND CHAPTER EIGHTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO THE RECORDER'S COURT OF LEXINGTON, DAVIDSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Recorder's Court of Lexington, Davidson County.

SECTION 1. That Section twenty of Chapter eighty-two of the Public-Local Laws of one thousand nine hundred and thirty-three is hereby amended by adding thereto a new paragraph to be lettered Paragraph (b) 1, to precede immediately Paragraph (c), and to read as follows:

(b) 1 All persons, convicted of public drunkenness or of violating an ordinance of the City of Lexington may, in the discretion of the judge, be sentenced to the county jail of Davidson County and assigned to work on the streets of the City of Lexington or on any city project.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 88 CHAPTER 68

AN ACT TO ENABLE THE CITY OF NEW BERN TO CONVEY PROPERTY BELONGING TO THE CITY OF NEW BERN.

Fire in New Bern in 1922.

WHEREAS, the City of New Bern in one thousand nine hundred and twenty-two, was visited by a big fire which destroyed about one third of the property of said city, and that thereafter the board of aldermen of said city passed resolutions to condemn some of said property for public purposes, but that no condemnation proceedings were started, and the various owners of the property sought to be condemned made and executed fee simple deeds to the City of New Bern for the property in the burnt area, and that some of the property has been used for municipal purposes, but some of the said property is still vacant and not needed for municipal purposes: Now, therefore,

The General Assembly of North Carolina do enact:

New Bern authorized to convey certain property.

SECTION 1. That the City of New Bern, a municipal corporation, be and it is hereby authorized and empowered to sell, convey or lease any and all property now held by the City of New

Bern and not used for municipal purposes in the same manner as now provided by law for the sale of municipal property.

Prior conveyances and leases validated.

SEC. 2. That any and all conveyances or leases heretofore made by the City of New Bern of any such property heretofore held by the City of New Bern and conveyed or leased is hereby validated in all respects.

SEC. 3. This Act shall be in force from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 92 CHAPTER 69

AN ACT TO FIX THE FEE OF THE CLERK OF THE SUPERIOR COURT OF CABARRUS COUNTY FOR PROBATING CHATTEL MORTGAGES AND CONDITIONAL SALES CONTRACTS.

The General Assembly of North Carolina do enact:

Certain fees of C. S. C. of Cabarrus County fixed.

SECTION 1. That the Clerk of the Superior Court of Cabarrus County is hereby authorized and empowered to charge a fee of twenty-five cents for the probating of chattel mortgages and conditional sales contracts.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 104 CHAPTER 70

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BERN WITH REFERENCE TO VOTING PRECINCTS.

The General Assembly of North Carolina do enact:

Charter of New Bern amended with reference to voting precincts.

SECTION 1. That Section five of the charter of the City of New Bern, being Chapter eighty-two of the Private Laws of one thousand eight hundred and ninety-nine, be amended by striking out so much of said section as Second Ward and Third Ward and inserting in lieu thereof the following:

Second Ward.

SECOND WARD, beginning at a point in the channel of the Neuse River where the center line of Broad Street extended will intersect said channel, and running thence Westwardly with said center line of Broad Street to the center line of Middle Street; thence Northwardly with the center line of Middle

Street to the center line of New Street, thence Westwardly with the center line of New Street to the center line of Hancock Street; thence Northwardly with the center line of Hancock Street to the center line of Johnson Street; thence Westwardly with the center line of Johnson Street to the center line of Metcalf Street; thence Northwardly with the center line of Metcalf Street to the center line of Queen Street; thence Eastwardly with the center line of Queen Street to the track of the Atlantic and North Carolina Railroad Company; thence Northwardly and Eastwardly with said track to said roailroad company's freight warehouse on Neuse River; thence Eastwardly to the channel of Neuse River; thence Southwardly with the channel of Neuse River to the place of beginning.

Third Ward.

THIRD WARD, beginning at a point in the channel of Trent River where the center line of Middle Street extended will intersect said channel and running thence Northwardly with the center line of Middle Street to the center line of New Street; thence Westwardly with the center line of New Street to the center line of Broad Street; thence Westwardly with the center line of Broad Street to the center line of Hancock Street; thence Northwardly with the center line of Hancock Street to the center line of Johnson Street; thence Westwardly with the center line of Johnson Street to the center line of Metcalf Street; thence Southwardly with the center line of Metcalf Street to the center line of New Street; thence Westwardly with the center line of New Street to the center line of George Street; thence Southwardly with the center line of George Street to the channel of Trent River; thence Eastwardly with the channel of Trent River to the place of beginning.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

H. B. 105

CHAPTER 71

AN ACT TO FACILITATE THE DISPOSITION AND SALE OF PROPERTY ACQUIRED BY THE TOWN OF SOUTHERN PINES AT FORECLOSURE SALES AND BY PURCHASE.

WHEREAS, the Town of Southern Pines has heretofore become the owner of said properties located in the County of Moore by virtue of tax foreclosure proceedings and by purchase; and

Southern Pines owns certain property not needed for public purposes.

WHEREAS, none of said properties are needed for public purposes; and

WHEREAS, it is to the interest and advantage of the taxpayers of said town that said properties be sold for their market value in order that the funds so received may be paid into the treasury of the Town of Southern Pines and the property again entered upon the tax list for taxation: Now, therefore,

The General Assembly of North Carolina do enact:

Said town authorized to sell said property.

SECTION 1. That authority is hereby granted to the Town of Southern Pines to sell for its true market value, as determined by the Town Board of Commissioners, such properties as it now or hereafter may acquire by tax foreclosure proceedings at private sale, and without advertising or receiving public bids, to such purchasers as may desire to buy. The mayor and town clerk are authorized to execute conveyance for said property. Such funds as may be received from such sales shall be deposited in the treasury of the Town of Southern Pines after the deductions of the necessary expenses of the sale.

SEC. 2. That authority is hereby granted to the Town of Southern Pines to sell for its true market value, as may be determined by the Town Board of Commissioners, such properties as it now owns which were acquired by purchase and which are no longer needed for public purposes, at private sale, and without advertising or receiving public bids, to such purchasers as may desire to buy. The mayor and the town clerk are authorized to execute conveyances for said properties.

Purchasers to list said property for taxes.

SEC. 3. Upon completion of the sales herein referred to and the delivery of deeds to purchasers, the property shall then be listed for taxation in the names of the purchasers according to law.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1945.

S. B. 36 CHAPTER 72

AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE COMMISSION FOR THE BLIND TO COOPERATE WITH THE FEDERAL GOVERNMENT UNDER THE PROVISIONS OF THE ACT OF CONGRESS KNOWN AS THE BARDEN REHABILITATION ACT AND TO SUPPLEMENT CHAPTER ONE HUNDRED AND ELEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA WITH REGARD TO AID TO THE BLIND, AND TO MAKE PROVISION FOR THE APPOINTMENT OF A GUARDIAN FOR INCOMPETENT BLIND PERSONS.

The General Assembly of North Carolina do enact:

North Carolina State Commission for Blind authorized to make certain regulations.

SECTION 1. The North Carolina State Commission for the Blind is hereby authorized and empowered to make the necessary rules and regulations to cooperate with the Federal Government in the furtherance of the provisions of the Act of Congress known as the Barden-Rehabilitation Act (Volume fifty-seven, United States Statutes at Large, Chapter one hundred and ninety) providing for the rehabilitation of the blind.

Said Commission authorized to conduct certain business operations.

SEC. 2. For the purpose of assisting blind persons to become self-supporting the North Carolina State Commission for the Blind is hereby authorized to carry on activities to promote the rehabilitation and employment of the blind, including the operation of various business enterprises suitable for the blind to be employed in or to operate. The Executive Budget Act shall apply to the operation of such enterprises as to all appropriations made by the State to aid in the organization and the establishment of such businesses. Purchases and sales of merchandise or equiment, the payment of rents and wages to blind persons operating such businesses, and other expenses thereof, from funds derived from local subscriptions and from the day by day operations shall not be subject to the provisions of law regulating purchases and contracts, or to the deposit and disbursement thereof applicable to State funds but shall be supervised by the State Commission for the blind. All of the business operations under this law, however, shall be subject to regular audits by the State Auditor.

Certain examinations of blind and nearly blind persons to be reported to Commission for Blind.

SEC. 3. Whenever, upon examination at a clinic, hospital or other institution, or elsewhere by a physician, optometrist or other person examining eyes any person is found to have no vision or vision with glasses which is so defective as to prevent the performance of ordinary activities for which eyesight is essential, the physician, the superintendent of such institution or other person who conducted or was in charge of the examination shall within thirty days report the results of the examination to the North Carolina State Commission for the Blind.

Appointment of Guardian for certain blind persons.

SEC. 4. If any indigent blind person, who is receiving any moneys available to the needy blind, is unable to manage his own affairs, and this fact is brought to the attention of the clerk of the Superior Court of the county where said indigent blind person resides by petition of a relative of said blind person, or other interested person, or by the chairman of the county commissioners or by the State Commission for the Blind, it shall be the duty of the clerk to set a day for hearing the facts in the matter and to notify all interested persons. The indigent blind person shall be present at the hearing in person, or by representation, and the clerk of the superior court shall inquire into his condition. The hearing and inquiry shall be conducted in the manner provided by the general guardianship laws of North Carolina. If, after the hearing, the clerk finds that such indigent blind person is unable to manage his own affairs, it shall be the duty of the clerk to appoint some discreet and solvent person to act as guardian for said indigent blind person to whom said moneys may be paid. No bond shall be required of, or fee paid to, the guardian where the amount of money received does not exceed fifty dollars ($50.00) per month. Such person so designated shall use and faithfully apply said moneys for the sole benefit and maintenance of such indigent blind person. The person so designated shall give a receipt to the officer disbursing said moneys and the clerk, in his discretion, may require such person to render a periodic account of the expenditure of such moneys.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of February, 1945.

H. B. 55 CHAPTER 73

AN ACT TO AMEND CERTAIN SECTIONS OF THE GENERAL STATUTES OF NORTH CAROLINA FOR THE PURPOSE OF ELIMINATING THE REQUIREMENT OF TAKING PRIVATE EXAMINATION OF A MARRIED WOMAN.

The General Assembly of North Carolina do enact:

Amend General Statutes regarding private examination of a married woman.

SECTION 1. Amend Section thirty - seven of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Dower conveyed by wife's joinder in deed of husband.

SEC. 30-7. Dower conveyed by wife's joinder in deed. The right to dower under this chapter shall pass and be effectual against any widow or person claiming under her upon the wife

joining with the husband in the deed of conveyance and by her acknowledgment of same as provided by law.

SEC. 2. Amend Section thirty - eight of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Conveyance of home site by wife's joinder in conveyance of husband.

SEC. 30-8. Conveyance of home site by wife's joinder in deed or other conveyance. No deed or other conveyance, except to secure purchase money, made by the owner of a home site, which shall include the residence and other buildings together with the particular lot or tract of land upon which the residence is situated, whether actually occupied by said owner or not, shall be valid to pass possession or title during the lifetime of the wife except upon the wife joining with her husband in the deed or other conveyance and her acknowledgment of same as provided by law: *Provided,* the wife does not commit adultery, or has not abandoned and does not abandon the husband and live separate and apart from him: *Provided, further,* that all married women under the age of twenty-one shall have the same privilege to renounce their dower rights in and to the home site as is now conferred upon married women twenty-one years and over, and the deed or other conveyance thereof made by the owner of a home site with the joinder and acknowledgment of his wife, even though the wife be under twenty-one years of age, shall be valid and immediately pass possession and title thereto as though said married women were twenty-one years or over: *Provided, further,* that all conveyances of a home site, as defined in this section, made prior to February twenty-seven, one thousand nine hundred and thirty-seven, by the owner thereof, with the voluntary signature and assent of his wife, signified on her private examination according to law, shall be valid and pass the title and possession thereto as of the date thereof, even though the wife of said owner was under twenty-one years of age at the time of such signature and assent.

Joinder of wife valid though she be less than 21.

Amend Section 30-9 by striking out words "private examination."

SEC. 3. Amend Section thirty - nine of the General Statutes of North Carolina by striking out the words "private examination" as the same appear immediately after the word "or" in the fifth line of said section.

SEC. 4. Amend Section thirty-nine - seven of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Instruments, conveying or affecting rights of married woman in real estate, to be executed by her and her husband, and acknowledged by each.

SEC. 39-7. Instruments affecting married woman's title; husbands to execute. Every conveyance, power of attorney, or other instrument affecting the estate, right or title of any married woman in lands, tenements or hereditaments must be executed by such married woman and her husband, and due proof or acknowledgment thereof must be made as to the husband and due proof or acknowledgment thereof must be made as to the wife,

and such acknowledgment or proof as to the execution by the husband and such acknowledgment or proof as to the execution by the wife shall be taken and certified as provided by law. Any conveyance, power of attorney, contract to convey, mortgage, deed of trust or other instrument executed by any married woman in the manner by this chapter provided, and executed by her husband also, shall be valid in law to pass, bind or charge the estate, right, title and interest of such married woman in and to all such lands, tenements and hereditaments or other estate, real or personal, as shall constitute the subject matter or be embraced within the terms and conditions of such instrument or purport to be passed, bound, charged or conveyed thereby.

SEC. 5. Amend Section thirty-nine - eight of the General Statutes of North Carolina by rewriting said section so that hereafter the same shall read as follows:

Acknowledgement by husband and wife may be at different times or places and before different officers.

SEC. 39-8. Acknowledgment at different times and places; before different officers; order immaterial. In all cases of deeds, or other instruments executed by husband and wife and requiring registration, the probate of such instruments as to the husband and due proof or acknowledgment of the wife may be taken before different officers authorized by law to take probate of deeds, and at different times and places, whether both of said officials reside in this State or only one in this State and the other in another state or country. And in taking the probate of such instruments executed by husband and wife, it is immaterial whether the execution of the instrument was proven as to or acknowledged by the husband before or after due proof as to or acknowledgment of the wife.

SEC. 6. Amend Section thirty-nine - nine of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Absence of wife's acknowledgement does not affect validity of instrument as to husband, who executes and acknowledges same.

SEC. 39-9. Absence of wife's acknowledgment does not affect deed as to husband. When an instrument purports to be signed by a husband and wife the instrument may be ordered registered, if the acknowledgment of the husband is duly taken, but no such instrument shall be the act or deed of the wife unless proven or acknowledged by her according to law.

SEC. 7. Amend Section thirty-nine - eleven of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Certain conveyances not affected by fraud if acknowledgment regular, if grantee did not participate in or have knowledge of same.

SEC. 39-11. Certain conveyances not affected by fraud if acknowledgment or privy examination regular. No deed conveying lands nor any instrument required or allowed by law to be registered, executed by husband and wife since the eleventh of March, one thousand eight hundred and eighty-nine, if the ac-

knowledgment or private examination of the wife is thereto certified as prescribed by law, shall be invalid because its execution or acknowledgment was procured by fraud, duress or undue influence, unless it is shown that the grantee or person to whom the instrument was made participated in the fraud, duress or undue influence, or had notice thereof before the delivery of the instrument. Where such participation or notice is shown, an innocent purchaser for value under the grantee or person to whom the instrument was made shall not be affected by such fraud, duress or undue influence.

Protection of innocent purchaser.

SEC. 8. Amend Section forty-five - three of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

SEC. 45-3. Mortgage of household and kitchen furniture. All conveyances of household and kitchen furniture by a married man, made to secure the payment of money or other things of value, are void, unless the wife joins therein and her acknowledgment is taken in the manner prescribed by law in conveyances of real estate, except when said mortgage or conveyance is executed for the purchase money thereof.

Conveyances of household and kitchen furniture.

SEC. 9. Amend Section forty-seven - three of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

SEC. 47-3. Commissioner appointed by clerk for nonresident maker. When it appears to the clerk of the superior court of any county that any person nonresident of this State desires to acknowledge a power of attorney, deed or other conveyance touching any real estate situated in the county of said clerk, he may issue a commission to a commissioner for receiving such acknowledgment, or taking such proof, and said commissioner may likewise take the acknowledgment and take such proof as to a married woman. The commissioner shall make certificate of acknowledgment or proof and shall return the same to the clerk of the superior court, whereupon he shall adjudge that such conveyance, power of attorney or other instrument is duly acknowledged or proved and shall order the same to be registered.

Clerk of Superior Court may appoint Commissioner to take acknowledgments in certain cases.

SEC. 10. Amend Section forty-seven - seven of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

SEC. 47-7. Probate where clerk is a party. All instruments required or permitted by law to be registered to which clerks of the superior court are parties, or in which such clerks are interested, may be proved or acknowledged and the acknowledgment of any married woman may be taken before any justice of the peace or notary public of the county of said clerk which

Probate of instruments, in which the Clerk of the Superior Court is interested.

clerk may then under his hand and official seal certify to the genuineness thereof. Such proofs and acknowledgments may also be taken before any judge of the superior court or justice of the Supreme Court, and the instruments may be probated and ordered to be registered by such judge or justice, in like manner as is provided by law for probates by clerks of the superior court in other cases. *Provided,* that nothing contained herein shall prevent the clerk of the superior court who is a party to any instrument, or who is a stockholder or officer of any bank or other corporation which is a party to any instrument, from adjudicating and ordering such instruments for registration as having been acknowledged or proved before some justice of the peace or notary public. All probates, adjudications and orders of registration made prior to January first, one thousand nine hundred and thirty, by any such clerk of conveyances or other papers in which said clerk is an interested party, or other papers by any corporation in which such clerk also is an officer or stockholder, are hereby validated and declared sufficient for all such purposes.

SEC. 11. Amend Section forty-seven - twelve of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Proof of execution of certain instruments by proof of handwriting of subscribing witness.

SEC. 47-12. Proof of attested writing. If an instrument required or permitted by law to be registered has a subscribing witness and such witness is dead or out of the State, or of unsound mind, the execution of the same may be proven before any official authorized to take the proof and acknowledgment of such instrument by proof of the handwriting of such subscribing witness or of the handwriting of the maker, and this shall likewise apply to the execution of instruments by married women: *Provided,* that no instrument required or permitted by law to be registered shall be proven, probated or ordered to be registered upon the oath and examination of a subscribing witness who is also the grantee named in said instrument, and the registration of any instrument which has been proven and admitted to probate upon the oath and examination of a subscribing witness who is the grantee in said instrument shall be void: *Provided, further,* that nothing herein shall invalidate the registration of any instrument registered prior to the ninth day of April, A. D. one thousand nine hundred and thirty-five.

SEC. 12. Amend Section forty-seven - thirteen of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

SEC. 47-13. Proof of unattested writing. If an instrument required or permitted by law to be registered has no subscribing witness, the execution of the same may be proven before any official authorized to take the proof and acknowledgment of

such instrument by proof of the handwriting of the maker and this shall likewise apply to proof of execution of instruments by married women.

Proof of execution of certain instruments by proof of handwriting of maker.

SEC. 13. Amend Section forty-seven - thirty-eight of the General Statutes of North Carolina by striking out the first four lines of said section and inserting in lieu thereof the following:

Acknowledgment by grantor. Where the instrument is acknowledged by the grantor or maker, or where a married woman is a grantor or maker, the form of acknowledgment shall be in substance as follows:

Form of acknowledgment.

SEC. 14. Amend Section forty-seven - thirty--nine of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

SEC. 47-39. Form of acknowledgment of conveyances and contracts between husband and wife. When an instrument or contract purports to be signed by a married woman and such instrument or contract comes within the provisions of Section fifty-two - twelve of the General Statutes, the form of certificate of her acknowledgment before any officer authorized to take the same shall be in substance as follows:

North Carolina, ...County.

Form of acknowledgment of contracts between husband and wife.

I (here give name of the official and his official title), do hereby certify that (here give name of the married woman who executed the contract or instrument), wife of (here give husband's name), personally appeared before me this day and acknowledged the due execution of the foregoing (or annexed) instrument.

And I do further certify that it has been made to appear to my satisfaction, and I do find as a fact, that the same is not unreasonable or injurious to her.

Witness my hand and (when an official seal is required by law) official seal, this.....(day of month), A. D.....(year).

.....

(Official Seal) Signature of officer

SEC. 15. Amend Section forty-seven - forty of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

SEC. 47-40. Husband's acknowledgment and wife's acknowledgment before the same officer. Where the instrument is acknowledged by both husband and wife or by other grantor before the same officer the form of acknowledgment shall be in substance as follows:

Form of acknowledgment.

I (here give name of official and his official title), do hereby certify that (here give names of the grantors whose acknowledgment is being taken) personally appeared before me this day and acknowledged the due execution of the foregoing (or annexed) instrument.

SEC. 16. Amend Section fifty-two - two of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Capacity of a married woman to execute contracts. Those, affecting her real estate, require written assent of her husband.

SEC. 52-2. Capacity to contract. Subject to the provisions of Section fifty-two - twelve, regulating contracts of wife with husband affecting corpus or income of estate, every married woman is authorized to contract and deal so as to affect her real and personal property in the same manner and with the same effect as if she were unmarried, but no conveyancce of her real estate shall be valid unless made with the written assent of her husband as provided by Section six of Article ten of the Constitution, and the execution of the same acknowledged or proven as required by law.

SEC. 17. Amend Section fifty-two - four of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Leases by married woman.

SEC. 52-4. Conveyance or lease of wife's land requires husband's joinder. No lease or agreement for a lease or sublease or assignment by any married woman of her lands or tenements, or chattels real, to run for more than three years, or to begin in possession more than six months after its execution, or any conveyance of any freehold estate in her real property, shall be valid, unless the same be executed by her and her husband, and proven or acknowledged by them.

SEC. 18. Amend Section fifty-two - seven of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Husband can not convey or lease real estate of wife. His interest in same can not be sold to satisfy his debts.

SEC. 52-7. Husband cannot convey, et cetera, wife's land without her consent; not liable for his debts. No real estate belonging at the time of marriage to females nor any real estate by them subsequently acquired nor any real estate of a married woman shall be subject to be sold or leased by the husband for the term of his own life or any less term o fyears, except by and with the consent of his wife first had and obtained, to be ascertained and effectuated by deed and due proof or acknowledgment according to law. And no interest of the husband whatever in such real estate shall be subject to sale to satisfy any execution obtained against him; and every such sale is hereby declared null and void.

SEC. 19. Amend Section fifty-two - twelve of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Contracts between husband and wife, affecting her real estate.

SEC. 52-12. Contracts of wife with husband affect corpus or income of estate. No contract between husband and wife made during their coverture shall be valid to affect or change any part of the real estate of the wife, or the accruing income thereof for a longer time than three years next ensuing the making of such contract, or to impair or change the body or capital of the personal estate of the wife, or the accruing income thereof, for a longer time than three years next ensuing the making of such contract, unless such contract is in writing, and is duly proven as is required for the conveyances of land; and such examining or certifying officer shall incorporate in his certificate a statement of his conclusions and findings of fact as to whether or not said contract is unreasonable or injurious to her. The certificate of the officer shall be conclusive of the facts therein stated. But the same may be impeached for fraud as other judgments may be.

SEC. 20. Amend Section thirty-three - two of the General Statutes of North Carolina by striking out the first ten lines, which constitute the first sentence of said section, and inserting in lieu thereof the following: Any father, though he be a minor, may, by deed executed in his lifetime with the written consent and due proof of execution or acknowledgment of the same by the mother, if she be living, or by his last will and testament in writing, if the mother be dead, dispose of the custody and tuition of any of his infant children, being unmarried, and whether born at his death or in ventre sa mere for such time as the children may remain under twenty-one years of age, or for any less time.

Instrument affecting the custody of minor children.

SEC. 21 Amend Chapter forty-seven of the General Statutes of North Carolina by adding a new section thereto, to be known and designated as Section forty-seven - one hundred and fourteen, which said section shall read as follows:

Laws, requiring privy, private or separate examination of a married woman in her acknowledgment of conveyances, repealed.

SEC. 47-114. General repeal of former laws as to private examination. All deeds, contracts, conveyances, leaseholds or other instruments executed from and after the ratification of this Act shall be valid for all purposes without the separate, privy, or private examination of a married woman where she is a party to or a grantor in such deed, contract, conveyance, leasehold or other instrument, and it shall not be necessary nor required that the separate or privy examination of such married woman be taken by the certifying officer. From and after the ratification of this Act all laws and clauses of laws contained in any section of the General Statutes requiring the privy or private examination of a married woman are hereby repealed.

Change relates back to November 7, 1944.

SEC. 21½. No deed, contract, conveyance, leasehold or other instrument executed since the seventh day of November, one thousand nine hundred and forty-four, shall be declared invalid because of the failure to take the private examination of any married woman who was a party to such deed, contract, conveyance, leasehold or other instrument.

Not applicable to pending litigation.

SEC. 22. No provision of this Act shall be construed to be applicable to or as affecting pending litigation.

Conflicting laws repealed.

SEC. 23. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 24. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of February, 1945.

H. B. 91 **CHAPTER 74**

AN ACT TO AMEND SECTIONS ONE HUNDRED AND EIGHTEEN - SIX AND ONE HUNDRED AND EIGHTEEN - SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE FIREMEN'S RELIEF FUND.

The General Assembly of North Carolina do enact:

Amending laws, relating to the Firemen's Relief Fund.

SECTION 1. Section one hundred and eighteen - six of the General Statutes of North Carolina is hereby amended by adding a new sentence to the end thereof to read as follows:

If the chief of the local fire department is not named on the board of trustees as above provided, he shall be ex officio a member, but without the privilege of voting on matters before the board.

SEC. 2. Section one hundred and eighteen - seven of the General Statutes of North Carolina is hereby amended as follows:

(a) Amend Subsection three by placing a period after the word "almshouse" in line four thereof and striking out the remainder of the subsection.

(b) Strike out Subsection four and insert in lieu thereof the following:

4. To provide for the payment of any fireman's assessment in the Firemen's Fraternal Insurance Fund of the State of North Carolina if the board of trustees finds as a fact that said fireman is unable to pay the said assessment by reason of disability.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of February, 1945.

H. B. 107 CHAPTER 75

AN ACT TO AMEND SECTION SIXTY-SEVEN - THIRTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO EXEMPT NASH COUNTY FROM CERTAIN OF THE PROVISIONS THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. Section sixty-seven - thirteen of the General Statutes of North Carolina is hereby amended by adding between the words "Moore" and "New Hanover" in line twenty-seven, the word "Nash." Relating to Nash County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of February, 1945.

H. B. 108 CHAPTER 76

AN ACT TO FIX THE MINIMUM AMOUNT TO RAISE BIDS AT TEN DOLLARS ($10.00) IN FORECLOSURE SALES IN NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section forty-five - twenty-eight of the General Statutes of North Carolina is hereby amended by striking out in lines fifteen, sixteen, and seventeen, the words, "ten per cent (10%) where the price does not exceed five hundred dollars ($500.00)," and inserting in lieu thereof the words "ten dollars ($10.00) where the price is less than one hundred dollars ($100.00) and ten per cent (10%) where the price exceeds one hundred dollars ($100.00) but does not exceed five hundred dollars ($500.00)." Foreclosure sales in Nash County.

SEC. 2. This Act shall apply to Nash County only.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of February, 1945.

H. B. 109 CHAPTER 77

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATIVE TO SALARIES OF OFFICERS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

Salaries in Nash County.

SECTION 1. Section one of Chapter three hundred and seventeen of the Public-Local Laws of one thousand nine hundred and forty-one is hereby amended by changing the period at the end of said section to a comma and adding the following: and mileage, except for special meetings, and all county commissioners shall receive, in addition to the salaries now fixed, a fee of ten dollars ($10.00) each and mileage for each special meeting duly called and held by the board, not to exceed twelve special meetings in any calendar year. And on the first Monday in April, one thousand nine hundred and forty-five, and annually thereafter, the County Commissioners of Nash County shall fix the salaries of the clerk of the superior court, the register of deeds, and the sheriff, and so much of Section one, Chapter one hundred and seventy-six, Public-Local Laws of one thousand nine hundred and thirty-three and any amendments thereto, which place limitations on said salaries, are hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of February, 1945.

H. B. 110 CHAPTER 78

AN ACT TO AMEND SECTION TWO - TWENTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE FEES FOR REGISTERING FEDERAL CROP LIENS AND FEDERAL CHATTEL MORTGAGES IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Certain registration fees in Nash County.

SECTION 1. Section two - twenty-eight of the General Statutes of North Carolina is hereby amended by inserting the word

"Nash" between the word "Moore" and the word "Person" in line twenty thereof.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of February, 1945.

H. B. 111 CHAPTER 79

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-EIGHT PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATIVE TO AN ACT ENABLING THE CITY OF RALEIGH, THE CITY OF DURHAM, THE COUNTY OF DURHAM, AND THE COUNTY OF WAKE TO JOINTLY ACQUIRE AND ESTABLISH AN AIRPORT BY SAID CITIES AND COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine as amended by Chapter two hundred and ninety-two of the Public-Local Laws of one thousand nine hundred and forty-one, be, and the same is, hereby amended by striking out Sections six and seven and adding in lieu thereof the following: Amending law, relating to establishment of airport by Durham, Raleigh and Counties of Durham and Wake.

SEC. 6. The joint board to be appointed by the governing bodies of the said municipalities and counties shall be appointed as follows: Appointment of Board, governing said airport.

Each municipality shall be entitled to have two representatives on said board and the representatives shall be appointed biennially by a majority of the governing body of the said municipality, at the first regular meeting in January. Said representatives shall hold office from their appointment until their successors are appointed and qualified and until the first regular meeting of the governing body in the second January thereafter, when successors shall be appointed. Only a municipality contributing in equal part to the establishment of an airport or airports shall be entitled to have representation on the board. Each city to have two members.

Each county shall be entitled to have two representatives on said board and the representatives shall be appointed biennially by a majority of the board of county commissioners of said county at the first regular meeting in January. Said representatives shall hold office from their appointment until their successors are appointed and qualified and until the first regular meeting Each County to have two members.

of the board of county commissioners in the second January thereafter, when successors shall be appointed. Only a county or counties contributing an equal part to the establishment of an airport or airports shall be entitled to have representation on said board. The said board so appointed by the governing bodies of the municipalities and counties, shall be known as the "Raleigh-Durham Airport Authority." Upon the occurrence of any vacancy on said board, said vacancy shall be filled within sixty (60) days after notice thereof by a majority of the governing body of the municipality or county which has a vacancy within its representation. Within thirty (30) days after the ratification of this Act, the governing body of each of said municipalities and counties shall appoint its representatives on said board to hold office until successors shall be appointed in the manner hereinbefore set forth, *provided however*, that the representatives first so appointed by each of said municipalities and counties shall hold office from appointment until the second January thereof, at which time successors shall be appointed in the manner hereinbefore set forth.

Said Board to be known as Raleigh-Durham Airport Authority.

SEC. 7. The board appointed as herein provided for by the governing bodies of said municipalities and counties shall act in an administrative capacity and shall be vested with the authority to establish, construct, control, lease, maintain, improve, operate and regulate joint airports or landing fields. It shall have complete authority over any airport or landing field jointly acquired, established or constructed by the said municipalities and counties represented on said board. *Provided* that said board or the individual members thereof shall have no authority to pledge the credit of said municipalities or counties. The said board shall have the right and authority and is empowered to expend such funds as are appropriated from time to time by the said municcipalities and counties jointly or severally for joint airport purposes and is empowered to enter into contracts and pledge the credit of the board to the extent of the moneys appropriated by the said municipalities and counties for joint airport purposes. The said board shall have authority to deal with the Civil Aeronautics Authority of the United States Government and any other representative of the United States Government relative to the grading, constructing, equipping, improving, maintaining and operating of airports and landing fields established or acquired under the authority of this Act. A majority of said board shall control its decisions. Each member of said board, including the chairman, shall have one vote. At the first meeting of said board and annually thereafter, it shall elect from among its members a chairman and a secretary and a treasurer. The said board shall meet at such places and time as the chairman shall designate. The members of said board shall take an oath of office to faithfully perform his duties.

Said Board shall not have authority to pledge credit of either participating City or County.

Certain powers of said Board.

All members of said board who are fulltime officials or fulltime employees of either of the municipalities or counties shall serve without compensation. Members of said board who are not fulltime officials or fulltime employees of either said municipality or county shall be paid a per diem of ten dollars ($10.00) for each day served in attending the meetings of said board, and in addition thereto shall be reimbursed for actual necessary expenses incurred in attending the meetings, including actual traveling expenses or an allowance of five cents per mile where such member uses his personally owned automobile.

Compensation of Board members.

The board is hereby authorized and empowered in its discretion to fix a reasonable salary for the secretary of said board whether or not such secretary is an official or fulltime employee of said municipalities or counties.

Secretary of Board.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of February, 1945.

H. B. 151 CHAPTER 80

AN ACT TO ALLOW THE CITY OF GREENSBORO TO RELEASE ANY INTEREST IT MAY HAVE IN CERTAIN LANDS FOR THE PURPOSE OF CHANGING THE LOCATION OF A PORTION OF CYPRESS AND THIRD STREETS IN THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the City of Greensboro is hereby authorized to execute and deliver such release deeds, quitclaim deeds, or other instruments or papers as may be necessary to release the interest of the City of Greensboro and the public generally in and to those portions of Cypress and Third Streets situate, lying and being in Gilmer Township, in the City of Greensboro, North Carolina, and more particularly described as follows:

Authorizing Greensboro to convey certain lands.

Beginning at a point in the North margin of Third Street, said point being North eighty-six degrees thirty-eight minutes thirty seconds West forty-five and thirty-two one hundredths feet from a point where the North line of Third Street intersects the West line of Maple Street and running thence along the North line of Third Street North eighty-six degrees thirty-eight minutes thirty seconds West three hundred and twenty-two and sixty-six one hundredths feet to a point in the West line of Cypress Street thence South three degrees fifty-one minutes

Boundary lines of said property.

West forty-one and eighty-three one hundredths feet to a point, thence South eighty-eight degrees thirty-eight minutes West five thousand one hundred and eighty-six feet to a point. Thence along the West line to Cypress South three degrees twenty-five minutes thirty seconds West one hundred and ninety-four and sixty-four one hundredths feet to a point. Thence on a curve cord being North thirty-three degrees forty-nine minutes East ninety-eight and eighty-one one hundredths feet to a point in the East line of Cypress Street. Thence with the East line of Cypress North three degrees twenty-five minutes thirty seconds East one hundred and nine and twenty-eight one hundredths feet to the South line of Third Street. Thence along the South line of Third Street South eighty-six degrees seventeen minutes East one hundred and eighty-two and fifty-nine one hundredths feet to a point, thence North sixty-eight degrees fifty-eight minutes thirty seconds East one hundred and five and seventy-two one hundredths feet to the point of beginning.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of February, 1945.

S. B. 38 **CHAPTER 81**

AN ACT TO AMEND SECTION THIRTY-ONE - TWENTY-SIX OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE PROBATE OF WILLS OF MEMBERS OF THE ARMED FORCES TO REMOVE AN AMBIGUITY THEREIN.

The General Assembly of North Carolina do enact:

Amending laws, relating to probate of wills of persons in armed forces.

SECTION 1. That Section thirty-one - twenty-six of the General Statutes of North Carolina is hereby amended by rewriting the first sentence thereof to read as follows:

In addition to the methods already provided in existing statutes therefor, a will executed by a person while in the armed forces of the United States or the Merchant Marine, shall be admitted to probate (whether there were subscribing witnesses thereto or not, if they, or either of them, is out of the State at the time said will is offered for probate) upon the oath of at least three credible witnesses that the signature to said will is in the handwriting of the person whose will it purports to be.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1945.

S. B. 73 **CHAPTER 82**

AN ACT TO PERMIT CERTAIN POLICE OFFICERS OF THE CITY OF CONCORD TO ISSUE WARRANTS.

The General Assembly of North Carolina do enact:

SECTION 1. That such police officers of the City of Concord Police Department whom the Board of Aldermen of the City of Concord, Concord, North Carolina, may designate, shall have the power to issue process for the apprehension of persons charged with any offense committed within the jurisdictional limits of the City of Concord, and to execute such power.

Issuance of warrants by certain officers of Concord.

SEC. 2. That this Act shall confer all the powers to the persons designated, as above provided, as are conferred upon the persons named in Section fifteen - eighteen of the General Statutes of North Carolina, except that the powers herein are limited to the jurisdictional limits of the City of Concord, Concord, North Carolina.

SEC. 3. That this Act shall apply only to the city of Concord, Concord, North Carolina.

Applies only to Concord.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1945.

S. B. 74 **CHAPTER 83**

AN ACT TO AUTHORIZE THE COUNTY OF CABARRUS AND THE CITY OF CONCORD TO PROVIDE FOR THE CONSOLIDATION OF THEIR RESPECTIVE TAX COLLECTION DEPARTMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. Authority is hereby granted for the consolidation of the tax collecting departments or agencies of the County of Cabarrus and the City of Concord, and for the appointment of a Tax Collector for the County of Cabarrus and the City of Concord, hereinafter referred to as county-city tax collector, and such assistants as may be deemed necessary to collect both county and city taxes.

Consolidation of tax collecting departments of Concord and Cabarrus County.

SEC. 2. Such authority shall be exercised only by agreement between the Board of County Commissioners of Cabarrus County and the Board of Aldermen of the City of Concord upon a plan of consolidation. Such plan must be embodied in a resolution, adopted by a majority vote of each board before becoming effective, and may be enlarged, diminished or altered from time to time by a majority vote of each board. The plan of consolidation shall provide for (a) the time when it shall become effective, (b) the person to be the tax collector, (c) the respective

Agreement between governing bodies of Concord and Cabarrus County required.

Plans for said consolidation.

financial obligations of Cabarrus County and the City of Concord with respect thereto, (d) records showing separately the amount of county taxes assessed and collected and the amount of city taxes assessed and collected, (e) separate security to be given by the county-city tax collector and such assistants and clerks as may be deemed necessary to insure the faithful performance of his or their duties and for the faithful accounting to Cabarrus County and the City of Concord, respectively, of taxes collected, and (f) such other arrangements, procedure and details as may be deemed necessary, requisite or proper for the expeditious discharge of all duties, obligations, powers and rights now or hereafter imposed upon or granted to either the Tax Collector of Cabarrus County or the Tax Collector of the City of Concord.

Powers of said County-City tax collector.

SEC. 3. The county-city tax collector, when appointed, shall have all the powers and authority, all the duties and obligations, and be subject to all the pains and penalties which are now conferred, owed or imposed, or which may hereafter be conferred, owed or imposed upon the Tax Collector of Cabarrus County with respect to county taxes and upon the Tax Collector of the City of Concord with respect to city taxes, and upon sheriffs, or other tax collectors respecting the collection and remittance of either county or city taxes to the proper authorities. This Act shall in no way affect existing or future laws respecting the listing of taxes, nor diminish the taxing power of the County of Cabarrus or the City of Concord, nor diminish the rights and remedies now existing or hereafter provided for the collection of past due, current or future taxes. Any act or thing which the Tax Collector of Cabarrus County might lawfully do with respect to county taxes and any act or thing which the Tax Collector of the City of Concord might lawfully do with respect to city taxes may be done by the county-city tax collector with respect to either or both taxes. Express authority is hereby granted to the county-city to combine, where practicable, all steps in the procedure of collecting county taxes and city taxes, including specifically the sending of combined county and city bills or notices, advertising property for sale for delinquent taxes, selling property for delinquent taxes, jointly garnisheeing or otherwise subjecting property for legal process for the payment of county and city taxes: *Provided, however,* that all such combined actions shall clearly show separately the amount of taxes due to or collected for Cabarrus County and for the City of Concord.

Consolidation plans can be rescinded.

SEC. 4. Any plan for the consolidation of the tax collecting departments or agencies of Cabarrus County and the City of Concord adopted pursuant to the powers hereby conferred may be rescinded by resolution adopted by a majority vote of either the Board of County Commissioners of Cabarrus County or the Board of Aldermen of the City of Concord.

SEC. 5. All laws and clauses of laws and all charter provisions or clauses of charter provisions in conflict with this Act shall be and the same is hereby suspended during the time that the County of Cabarrus and City of Concord have an agreement in operation providing for the consolidation of tax departments or agencies. Conflicting laws suspended.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1945.

S. B. 86 CHAPTER 84

AN ACT TO FIX THE SALARY AND TRAVEL EXPENSES OF THE SHERIFF OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the annual salary of the Sheriff of Halifax County be three thousand and six hundred ($3600.00) dollars per annum, payable monthly, beginning on the first day of March, one thousand nine hundred and forty-five. Salary of Sheriff of Halifax County.

SEC. 2. That the Board of County Commissioners of Halifax County, in their discretion, are hereby authorized and empowered to pay to the Sheriff of Halifax County, out of the general county funds and in addition to the salary provided in Section one of this Act, such amounts monthly as in their judgment may be necessary and proper to cover travel expenses incurred by said sheriff in the discharge of his duties. Payment of travel expenses.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1945.

H. B. 100 CHAPTER 85

AN ACT TO FIX THE SALARIES OF THE CLERK OF SUPERIOR COURT, REGISTER OF DEEDS AND THE SHERIFF OF ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Alexander County shall receive a salary of two thousand and three hundred dollars ($2,300.00) per annum, payable monthly. This two thousand and three hundred dollars ($2,300.00) shall include the three hundred dollars ($300.00) that said clerk receives as judge of the juvenile court. Salary of Clerk of Superior Court of Alexander County.

Salary of Register of Deeds of Alexander County.

SEC. 2. That the Register of Deeds of Alexander County shall receive a salary of two thousand ($2,000.00) per annum, payable monthly.

Salary of Sheriff of Alexander County.

SEC. 3. That the Sheriff of Alexander County shall receive, as sheriff, a salary of three thousand dollars ($3,000.00) per annum, payable monthly.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5 That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1945.

S. B. 8

CHAPTER 86

AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM AND THE COUNTY OF FORSYTH TO PROVIDE FOR THE CONSOLIDATION OF THEIR RESPECTIVE HEALTH DEPARTMENTS AND THE LEVY OF A TAX THEREFOR.

The General Assembly of North Carolina do enact:

Consolidation of health departments of Winston-Salem and Forsyth County.

SECTION 1. Authority is hereby granted for the consolidation of the public health departments or agencies of the City of Winston-Salem and the County of Forsyth and for the appointment of a Board of Health for the City of Winston-Salem and the County of Forsyth, hereinafter referred to as the city-county board of health, and for the appointment of a Health Officer for the City of Winston-Salem and the County of Forsyth, hereinafter referred to as the city-county health officer, and for the employment of such personnel as may be deemed necessary for the operation and maintenance of the consolidated health department, hereinafter referred to as the city-county department of public health.

Agreement between governing bodies of Winston-Salem and Forsyth County required.

SEC. 2. Such authority shall be exercised only by agreement between the Board of Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem upon a plan of consolidation. Such plan must be embodied in a resolution, adopted by a majority vote of each board before becoming effective, and may be enlarged, diminished or altered from time to time by a majority vote of each board not inconsistent herewith. The plan of consolidation shall provide for (a) the time when it shall become effective, (b) the respective financial obligations of the City of Winston-Salem and Forsyth County with respect thereto, and (c) such other arrangements, procedure and details as may be deemed necessary, requisite or proper or for the discharge of all duties, obligations, powers and rights now or

hereafter imposed upon or granted to either the Department of Public Health and the Public Health Officer of the City of Winston-Salem or to the Department of Public Health and the Public Health Officer of Forsyth County, or to the city-county public health department, or to the city-county health officer.

Plans for such consolidation.

SEC. 3. Following the adoption of such plan of consolidation, the Board of Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem shall meet in a joint session at the Forsyth County Court House and elect a city-county board of health to be composed of seven members, four of whom shall be residents of the City of Winston-Salem and three of whom shall be residents of the rural section of Forsyth County. At least two members of the board shall be practicing physicians residing within the City of Winston-Salem. Four members of the board shall be elected to serve for a term of three years and three members shall be elected to serve for a term of two years, all to serve until their successors are elected for the same term and in the same manner. Vacancies on the board from any cause shall be filled by the Board of Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem in joint meeting. Members of the board shall serve without compensation. In any joint meeting of the boards of the two governing bodies, each board shall vote as a unit and the prevailing view shall be that favored by the majority vote of each board.

Powers of City-County Board of Health of said City and County.

SEC. 4. Powers of City-County Board of Health. Within ten days following their election, the members of the city-county board of health shall meet and elect from their own number a chairman to serve for the period of one year, together with a secretary who need not be a member of the board, to serve until their successors are elected annually. The board shall meet at least twice a year and special meetings may be called by the chairman at such other times as he may designate. It shall be the duty of the chairman to call a special meeting of the board upon written request of a majority of the members thereof. The secretary shall keep minutes of the proceedings of the commission and shall make regular reports to each governing body.

The city-county board of health shall make recommendations to the Board of Commissioners of Forsyth County and to the Board of Aldermen of the City of Winston-Salem regarding any conditions affecting the public health and shall discharge such other duties as the Board of Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem may impose upon the city-county board of health. In addition, all powers and duties now vested in the Board of Health of the City of Winston-Salem and in the Board of Health of Forsyth County not inconsistent herewith are hereby conferred upon the city-county board of health.

Annual budget for said City-County board of health.

Not later than June first of each year, the city-county board of health shall prepare and submit to the governing bodies of the County of Forsyth and City of Winston-Salem a proposed budget for the operation and maintenance of the city-county health department during the next fiscal year. On or before June fifteenth of each year, the Board of Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem shall adopt in joint meeting the budget under which the city-county health department shall operate during the next fiscal year.

SEC. 5. Revenues. The Board of Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem are hereby respectively authorized and empowered to lexy a tax on property, in addition to tax for general purposes, not to exceed ten cents (10c) on the one hundred dollars ($100.00) value of property annually, for the support of the city-county health department. All revenues so derived shall be carried by each governing body as a separate fund and expenditures for such purpose shall be charged respectively against such funds. Other revenues received from the operation of the city-county health department shall be carried in the same funds. The funds of Forsyth County and the City of Winston-Salem for the operation and maintenance of the city-county health department in the proportion agreed upon by the governing bodies, as hereinbefore provided, shall be disbursed by the Commissioner of Public Accounts and Finance of the City of Winston-Salem on vouchers approved by the city-county health officer; *provided*, appropriations for such expenditures have been made and a sufficient balance is available. All purchases shall be made through the Purchasing Department of the City of Winston-Salem. The portion of the funds chargeable to Forsyth County shall be paid quarterly during each fiscal year to the Commissioner of Public Accounts and Finance of the City of Winston-Salem to be disbursed as hereinbefore provided.

Financing said City-County board of health.

SEC. 6. City-County Health Officer. At the joint meeting of the Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem, at which the city-county board of health is elected, there shall also be elected a city-county health officer to serve for a term of twelve months, or until his successor is elected and to be elected annually thereafter. The compensation of the city-county health officer and of the personnel of the city-county health department shall be fixed by the Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem in joint meeting. The city-county health officer shall be subject to removal by the Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem at will in joint meeting, provided two-thirds of the membership of both boards vote in favor of such removal.

Election of City-County health officer.

Duties and powers of said City-County health officer.

The city-county health officer shall perform all the duties and have all the powers now prescribed by law, whether by the Public Laws of the State of North Carolina or by the Public-Local Laws for the City of Winston-Salem and the County of Forsyth, or by any of the ordinances of the City of Winston-Salem now in force or hereafter adopted as related to the City of Winston-Salem, and he shall likewise enforce all the rules and regulations now prescribed by the Board of Health of the City of Winston-Salem, as related to the City of Winston-Salem, or which may hereafter be prescribed by the city-county board of health. It is recognized that the treatment of the indigent sick is not a function of the city-county health department and accordingly nothing in this Act shall be construed as vesting in the city-county health department or in the city-county health officer any control or supervision over any of the institutions, agencies or persons now or hereafter engaged in the treatment of indigent sick, except to the extent now or hereafter provided by the Public Laws of North Carolina.

Purchase of equipment and erection of building.

SEC. 7. Authority is hereby granted to the County Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem to purchase such equipment and to erect such building or buildings upon land owned by either Forsyth County or the City of Winston-Salem as in the judgment of the members of said governing bodies are necessary for conducting and carrying on the work of the city-county health department, the cost of such equipment and improvements to be divided between Forsyth County and the City of Winston-Salem upon such basis as the governing bodies may agree upon.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws and all provisions in the Charter of the City of Winston-Salem or clauses of such charter provisions in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

S. B. 9 **CHAPTER 87**

AN ACT AUTHORIZING FORSYTH COUNTY TO PROVIDE HOSPITAL FACILITIES FOR THE SICK AND AFFLICTED POOR OF THE COUNTY IN CONJUNCTION WITH THE CITY OF WINSTON-SALEM, AND THE LEVY OF A TAX THEREFOR BY FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM AND CREATING A COMMISSION TO ADMINISTER SUCH FACILITIES.

The General Assembly of North Carolina do enact:

Provision for hospital facilities in Forsyth County.

SECTION 1. Authority is hereby granted to the Commissioners of Forsyth County to provide adequate hospital facilities for the care of the sick and afflicted poor of Forsyth County. The exercise of the authority hereby granted through the contracts herein referred to, and the appropriations and taxes for the construction, installation, and maintenance of such facilities are hereby declared to be for necessary expenses and for a special purpose within the meaning of the Constitution of North Carolina and for which the special approval of the General Assembly of North Carolina is hereby given, and shall be valid and binding without a vote of the majority of the qualified voters of Forsyth County, and are expressly exempted and excepted from any limitation, condition or restriction prescribed by the County Fiscal Control Act and acts amendatory thereof. The full faith and credit of Forsyth County shall be deemed to be pledged for the payment of the amounts due under said contracts and the special approval of the General Assembly of North Carolina is hereby given to the execution thereof and to the levy of a special ad valorem tax not to exceed ten cents (10c) on the one hundred dollars ($100.00) value of property, in addition to other taxes for general purposes authorized by law, for the special purpose of the payment of the amounts to become due thereunder. The Board of Aldermen of the City of Winston-Salem is also authorized to levy, for the purposes herein provided, a special ad valorem tax not to exceed ten cents (10c) on the one hundred dollars ($100.00) value of property, in addition to other taxes for general purposes authorized by law.

Financing said hospital facilities.

Plans for cooperation between Winston-Salem and Forsyth County regarding said hospital facilities.

SEC. 2. The authority hereby granted shall be exercised only by agreement between the Board of Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem upon a plan of hospital care for the sick and afflicted poor of Forsyth County as herein provided. Such plan shall be embodied in a resolution, adopted by a majority vote of each board before becoming effective, and may be enlarged, diminished or altered from time to time by a majority vote of each board not inconsistent herewith. The plan shall provide for (a) the time when it shall become effective, (b) the election of a city-county hospital commission to administer the hospitals covered by the

plan, (c) the respective financial obligations of Forsyth County and the City of Winston-Salem with respect to the construction of any hospitals covered by the plan and the operation of any hospitals covered by the plan, and (d) such other arrangements, provisions, and details as may be deemed necessary, requisite or proper to provide adequate hospital facilities for the sick and afflicted poor of Forsyth County.

Financing joint efforts between said City and County.

SEC. 3. If the governing bodies of Forsyth County and the City of Winston-Salem deem it advisable to include within the plan the new hospital which the City of Winston-Salem proposes to erect with the proceeds of the bond issue approved by the registered voters of the City of Winston-Salem on October seventh, one thousand nine hundred and forty-four, then in that event, the Commissioners of Forsyth County are authorized to contract with the City of Winston-Salem for the construction of additional hospital facilities, over and above those to be paid for by the City of Winston-Salem with the funds derived from said bond issue and from other sources, for the hospitalization of the sick and afflicted poor of Forsyth County upon such terms and conditions as may be agreed upon and embodied in said plan by the governing bodies of Forsyth County and the City of Winston-Salem, provided the annual payments by Forsyth County to the City of Winston-Salem toward the cost of constructing such additional hospital facilities shall not exceed one hundred thousand dollars ($100,000.00), and the total amount thereof shall not exceed seven hundred fifty thousand dollars ($750,000.00), and provided further that the annual deficit, if any, in the operation of such hospital or in the operation of any other hospital covered by the plan for the treatment of the sick and afflicted poor of the county shall be borne and paid by the City of Winston-Salem and Forsyth County in such proportion as may be agreed upon by their governing bodies. In no event shall the annual payment of the City of Winston-Salem exceed two-thirds of such annual deficit. In the event such new proposed hospital is constructed as hereinbefore provided, it shall be named the Memorial Hospital. It shall be located upon a tract of land within the corporate limits of the City of Winston-Salem and owned by the City of Winston-Salem, but the site selected and all contracts for the construction thereof shall be approved by a majority vote of the governing boards of the City of Winston-Salem and Forsyth County meeting in joint session, each body voting as a unit, but in the event of disagreement the majority vote of the Board of Aldermen of the City of Winston-Salem shall prevail. One-third of all beds in the hospitals covered by the plan shall be reserved for the treatment of the indigent sick.

Selection of City-County hospital commission by governing bodies of Winston-Salem and Forsyth County.

SEC. 4. City-County Hospital Commission. Following the adoption of the agreement covering a plan of hospitalization for the sick and afflicted poor of Forsyth County, the County Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem shall meet in a joint session in the Forsyth County Court House and elect a city-county hospital commission, to be composed of nine members, six of whom shall be residents of the City of Winston-Salem and three of whom shall be residents of the rural section of Forsyth County. Three members of the commission shall be elected to serve for a term of two years, three for a term of four years, and three for a term of six years, and thereafter three members shall be elected biennially for a term of six years. Vacancies from any cause shall be filled by the two governing bodies meeting in joint session.

Mayor of Winston-Salem to be Chairman of said Commission and Chairman of Board of County Commissioners to be Vice Chairman.

The Mayor of the City of Winston-Salem shall be chairman and the Chairman of the Board of Commissioners of Forsyth County shall be vice-chairman. At the first meeting, the commission shall elect a secretary who need not be a member of the commission. The commission shall meet at least once a month and special meetings may be called by the chairman at such other times as he may designate. It shall be the duty of the chairman to call a special meeting of the commission upon written request of a majority of the members thereof. The secretary shall keep written minutes of all meetings of the commission and report to the governing bodies. The members of the commission shall serve without compensation.

Powers of said Commission.

The city-county hospital commission shall make recommendations to the County Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem regarding the operation of any hospital covered by the city-county hospital plan or system and shall discharge such other duties as the County Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem may impose upon the commission. In addition, such commission shall have all powers and discharge all duties now vested in the Hospital Commission of the City of Winston-Salem by the ordinances or Charter of the City of Winston-Salem not inconsistent herewith.

Annual budget of said Commission.

Not later than June first of each year the city-county hospital commission shall prepare and submit to the governing bodies of the County of Forsyth and City of Winston-Salem a proposed budget for the operation and maintenance of each hospital covered by the plan agreed upon by the governing bodies of the city and county. On or before June fifteenth of each year, the County Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem shall adopt in a joint meeting the budget under which the several hospitals covered by the plan shall operate during the next fiscal year.

SEC. 5. Superintendent of Hospitals. At a joint meeting of the Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem, at which the city-county hospital commission is elected, there shall also be elected a superintendent of hospitals to serve for a term of twelve months. The compensation of the superintendent and of the personnel of the several hospitals covered by the plan shall be fixed by the Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem in a joint meeting. The superintendent shall be subject to removal by the Commissioners of Forsyth County and by the Board of Aldermen of the City of Winston-Salem at will in joint meeting, provided two-thirds of the membership of both boards vote in favor of such removal.

Election of Superintendent of Hospitals and salary of same.

The superintendent of hospitals shall have supervision of the operation of the hospitals covered by the plan and shall have the powers now prescribed by the ordinances of the City of Winston-Salem, and he shall likewise enforce all rules and regulations prescribed by the governing bodies of Forsyth County and the City of Winston-Salem.

Duties and powers of said Superintendent.

SEC. 6. Revenue. The Board of Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem are hereby respectively authorized and empowered to levy a tax on property in addition to other taxes for general purposes, not to exceed ten cents (10c) on the one hundred dollars ($100.00) value of property annually, to provide hospital care for the sick and afflicted poor of Forsyth County and the City of Winston-Salem. All revenue so derived shall be carried by each governing body as a separate fund and expenditures for such purpose shall be charged respectively against such fund. Other revenues received from the operation of the hospitals covered by the plan shall be carried in the same funds. The funds of Forsyth County and the City of Winston-Salem for the operation and maintenance of such hospital facilities shall be applied by the governing bodies toward the payment of any annual deficit arising from the treatment of the sick and afflicted poor in any of the hospitals covered by the plan agreed upon by the governing bodies, subject to the limitations hereinbefore provided, and shall be disbursed by the Commissioner of Public Accounts and Finance of the City of Winston-Salem on vouchers approved by the superintendent of hospitals, provided appropriations for such expenditures have been made and a sufficient balance is available. All purchases shall be made through the Purchasing Department of the City of Winston-Salem. The portion of the funds charged to Forsyth County shall be paid not later than thirty days from the close of each fiscal year to the Commissioner of Public Accounts and Finance of the City of Winston-Salem, to be applied as hereinbefore provided.

Financing of operations.

The governing bodies of Forsyth County and the City of Winston-Salem meeting in joint session shall set aside each year out of the hospital plan revenues a sum not to exceed ten per cent of the original cost of the hospital plans covered by the plan, including land, buildings and equipment, for future expansion and modernization of building and appurtenances, the funds so set aside to be deposited with the Sinking Fund Commission of the City of Winston-Salem and kept separate by it from other funds handled by it, and the investments of such funds to be governed by the laws pertaining to the city's sinking fund. The expenditure of all or any part of said accumulated funds shall be made upon recommendation of the city-county hospital commission to both governing bodies, meeting in joint session.

Sinking Fund.

In anticipation of the annual payments to be made by Forsyth County toward the cost of constructing the additional facilities hereinbefore referred to, the City of Winston-Salem is authorized to advance such additional funds and if necessary to issue its short-term securities for that purpose. If such short-term securities are issued by the City of Winston-Salem, interest thereon shall be paid by Forsyth County.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws and all provisions of the Charter of the City of Winston-Salem or clauses of such charter provisions in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

S. B. 15 CHAPTER 88

AN ACT ADJUSTING AND FIXING THE SALARIES OF CERTAIN OFFICIALS OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Salary of Register of Deeds of Transylvania County.

SECTION 1. That from and after the first day of February, one thousand nine hundred and forty-five, the Register of Deeds of Transylvania County shall receive a salary of one thousand nine hundred and eighty dollars per year, the same to be paid in equal monthly installments, and to be in lieu of fees allowed said officer by law.

Salary of Clerk of Superior Court of said County.

SEC. 2. That from and after the first day of February, one thousand nine hundred and forty-five, the Clerk of the Superior Court of Transylvania County shall receive a salary of two thousand and one hundred dollars per year, the same to be paid in equal monthly installments, and to be in lieu of fees allowed said officer by law.

Salary of Tax Collector of said County.

SEC. 3. That from and after the first day of February, one thousand nine hundred and forty-five, the Tax Collector of Transylvania County shall receive a salary of one thousand nine hundred and eighty dollars per year, the same to be paid in equal monthly installments, and to be in lieu of fees allowed said officer by law.

Salary of Sheriff of said County.

SEC. 4. That from and after the first day of February, one thousand nine hundred and forty-five, the Sheriff of Transylvania County shall receive a salary of four thousand and two hundred dollars per year, the same to be paid in equal monthly installments, and to be in lieu of fees allowed said officer by law.

Fees to be paid to said County.

SEC. 5. That all fees collected by the officers herein named shall be accounted for and paid to Transylvania County as provided by law.

Said officers to furnish bonds.

SEC. 6. That the officers herein named shall give bond, to be approved by the County Commissioners of Transylvania County, in some bonding company licensed to do business in North Carolina, the premium on said bond to be paid by Transylvania County.

County may have an additional Deputy Sheriff.

SEC. 7. That the County Commissioners of Transylvania County are hereby authorized and empowered, in their discretion, to provide for the employment of an additional Deputy Sheriff for Transylvania County and to provide for and pay a reasonable salary to said deputy sheriff.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

S. B. 19

CHAPTER 89

AN ACT TO VALIDATE THE CREATION OR ESTABLISHMENT OF SANITARY DISTRICTS AND THE ISSUANCE OF BONDS OF SUCH SANITARY DISTRICTS, AND TO PROVIDE FOR THE PAYMENT OF SUCH BONDS.

The General Assembly of North Carolina do enact:

Validating certain acts of State Board of Health in creating certain sanitary districts.

SECTION 1. All acts heretofore done or proceedings heretofore taken by the State Board of Health for the purpose of creating or establishing any sanitary district are hereby legalized and validated notwithstanding any lack of power to perform such acts or to take such proceedings and notwithstanding any de-

fect or irregularity in such acts or proceedings, provided such sanitary districts shall have heretofore issued bonds to finance improvements therein and provided said State Board of Health, purporting to act in reliance upon Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-seven, shall have adopted a resolution creating or establishing such sanitary district after holding, through its representative, a public hearing concerning the creation of such sanitary district, and a notice of such hearing, stating the time and place at which it would be held, shall have been published at least five times in a newspaper published in or near such sanitary district and having a general circulation therein. Any such district shall be, and hereby is declared to be, a body politic and corporate and shall have all the powers conferred by law upon sanitary districts.

Validating certain acts of certain sanitary district boards.

SEC. 2 All acts heretofore done or proceedings heretofore taken by the sanitary district board of any such sanitary district for the purpose of issuing bonds of such sanitary district, and any bonds heretofore issued by or on behalf of such sanitary district, are hereby legalized and validated notwithstanding any lack of power to perform such acts or to take such proceedings or to issue such bonds and notwithstanding any defect or irregularity in such acts or proceedings or in the issuance of said bonds or in calling, holding or canvassing the result of any special election at which the question of issuing said bonds was submitted to the voters of such sanitary district and notwithstanding any defect or irregularity in the election, appointment or qualification of any of the members of such sanitary district board or other officers of such sanitary district, provided a majority of the qualified voters voting at an election held in such sanitary district prior to the issuance of such bonds shall have voted for the issuance of such bonds and a notice stating the date and place of such election shall have been published once at least thirty days prior to the date of such election in a newspaper published in or near such sanitary district and having a general circulation therein, and provided the aggregate principal amount of all such bonds does not exceed the maximum amount of the bonds as stated in such notice of election, and provided the Local Government Commission shall have heretofore approved the issuance of such bonds. All such bonds issued by any such sanitary district shall be, and are hereby declared to be, legal and binding obligations of such sanitary district.

Authorizing certain sanitary district boards to levy certain taxes.

SEC. 3. The sanitary district board of any such sanitary district is hereby authorized to levy, or cause to be levied, annually a special tax ad valorem on all taxable property in such sanitary district for the special purpose of paying the principal of and interest on any such bonds, and such tax shall be sufficient for such purpose and shall be in addition to all other taxes which may be levied upon the taxable property in said sanitary district.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

S. B. 62 CHAPTER 90

AN ACT RELATING TO AND PROVIDING FOR THE APPOINTMENT OF TRUSTEES FOR CERTAIN CHURCHES OF THE PRIMITIVE BAPTIST FAITH AND THE SALE AND DISPOSITION OF PROCEEDS OF CERTAIN CHURCH PROPERTIES.

WHEREAS, there are several Primitive Baptist Associations in the State composed of many churches within the bounds of such associations of the same faith and order who participate in annual meetings; and Relating to church and church properties of Primitive Baptist Associations.

WHEREAS, in some of said associations there are churches which have few, if any, members and the church buildings are in bad condition of repair and have been virtually abandoned and are not being used for the purposes for which they were built and in order that such properties might be sold and the proceeds therefrom be used to assist active churches of the Primitive Baptist faith, it is necessary to designate trustees for such churches and place title in such trustees. Now, therefore, *The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter sixty-one of the General Statutes of North Carolina be, and the same is, hereby amended by adding to said chapter, the following sections:

SEC. 61-6. That the moderator and clerk of each of the Primitive Baptist Associations of the State are authorized and empowered to name three (3) persons who are members of churches within their respective associations as trustees to dispose of such church property as has been abandoned and ceases to be used for the purposes for which it was acquired, who shall serve until their successors are appointed as herein provided. Appointment of Trustees for churches that have been abandoned or are not used for purposes acquired.

SEC. 61-7. That the names of such trustees and their successors shall be certified to the clerk of the superior court of the county in which such church is located and such clerk shall keep a record of the appointment of said trustees and certify their names to the register of deeds of the county. Names of said Trustees to be certified to Clerk of Superior Court.

SEC. 61-8. The said trustees shall hold their office during the will and pleasure of the respective associations and upon the death, resignation, or removal of one or more of said trustees, their successors shall be named by the association in conference Terms of office of said Trustees and appointment of their successors.

assembled, each association reserving the right to remove any such trustee either for or without cause.

Duties of said Trustees.

SEC. 61-9. The trustees herein provided for shall supervise and control such abandoned church property and shall endeavor to rehabilitate the same to the end that religious services of the faith and order of the Primitive Baptist Church may be held in said buildings and shall encourage the use of said property for such religious services.

Title vesting in said Trustees.

SEC. 61-10. Upon the naming of said trustees and certification of their names to the clerk of the superior court, the title to such churches shall immediately vest in said trustees and their successors in office. Upon the passage of a resolution by an association authorizing the sale of any such church property the said trustees are authorized and empowered to convey said property upon such terms and conditions as are authorized in said resolution; *Provided, however,* that no sale of said property shall be made within two years after the ratification of this Act and such sale shall not include the burial grounds thereon. Nor shall any of the provisions of this Act be applicable to Moon's Creek Church in Upper County Line Primitive Baptist Association.

Sale of church properties.

Distribution of proceeds of sales.

SEC. 61-11. In the event of the sale of one or more of said churches under provisions of this Act, the proceeds therefrom shall be equally distributed among the other churches of the association in which such church was located to be used for the improvement of church properties of like faith and order.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act, to the extent of such conflict are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

S. B. 71 CHAPTER 91

AN ACT TO FIX THE SALARIES OF THE MAYOR AND COMMISSIONERS AND TREASURER OF THE TOWN OF ELON COLLEGE.

The General Assembly of North Carolina do enact:

Salary of Mayor of Elon College.

SECTION 1. That the Mayor of the Town of Elon College shall receive as salary fifty dollars per year, to be paid from the general fund of the town treasury.

Salary of Commissioners of said Town.

SEC. 2. That each member of the Board of Commissioners of the Town of Elon College shall receive as salary twenty-five dollars per year, to be paid from the general fund of the town treasury.

Selection and salary of Treasurer of said Town.

SEC. 3. That the Board of Commissioners of the Town of Elon College is authorized and empowered to impose the duties of treasurer upon a member of the board of commissioners of said town, or upon such other person as the said board may select. The salary of the person selected to perform the duties of treasurer of said town shall be fifteen dollars a year, which shall be in addition to any other salary such person may receive from the said town, and shall be paid from the general fund of the town treasury.

Selection and salary of Secretary of said Town.

SEC. 4. The Board of Commissioners of the Town of Elon College is authorized and empowered to impose the duties of secretary for said town upon a member of the board of commissioners of said town, or upon such other person as the said board may select. The salary of the person selected to perform the duties of secretary shall be fifteen dollars a year, which shall be in addition to any other salary such person may receive from said town, and shall be paid from the general fund of the town treasury.

Method for paying foregoing salaries.

SEC. 5. That the salaries herein provided for shall be paid at such intervals as the board of commissioners, in its discretion, may order, and said salaries shall be paid from and after the ratification of this Act.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

S. B. 82

CHAPTER 92

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF GASTON COUNTY TO APPOINT A COUNTY VETERANS SERVICE OFFICER AND TO APPROPRIATE A SUM FROM THE GENERAL FUND OF THE COUNTY SUFFICIENT FOR THIS PURPOSE.

The General Assembly of North Carolina do enact:

Commissioners of Gaston County to appoint County Veterans Service Officer and pay his salary and expenses of proposed service.

SECTION 1. The County Commissioners of Gaston County are hereby authorized and empowered to appoint a suitable person as county veterans service officer who shall be a veteran either of World War I or World War II. The Gaston County Veterans Service Officer shall serve for a term to be determined by the county commissioners and at a salary to be fixed by said commissioners. The County Commissioners of Gaston County are hereby authorized and empowered to appropriate from the gener-

al fund of the county an amount sufficient to carry out the purposes of this Act.

SEC. 2. It shall be the duty of the Gaston County Veterans Service Officer to:

Duties of said Veterans Service Officer.

(1) Acquaint himself with the laws, Federal, State and local, enacted for the benefit of members of the armed forces, their families and dependents.

(2) Collect data and information as to facilities and services available to such persons with regard to education, health and medical care, rehabilitation, housing, employment and all other matters of a similar nature.

(3) Assist veterans, their families and dependents in the presentation of proof and establishment of claims for any benefits they may have under Federal, State or local laws.

Authority of said Service Officer to perform notarial acts.

SEC. 3. The Gaston County Veterans Service Officer shall have a seal of office and shall be authorized to take acknowledgements, administer oaths, affirmations, execute depositions and affidavits, and perform other notarial acts necessary to carry out the provisions of this Act.

Validating acts of County Commissioners already taken in foregoing matters.

SEC. 4. All actions taken and things done, prior to the ratification of this Act, by the County Commissioners of Gaston County relative to the appointment of a veterans service officer, and any funds appropriated or paid out for such purpose, are hereby validated.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

S. B. 93 CHAPTER 93

AN ACT TO AMEND CHAPTER FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, PERTAINING TO THE DUTIES AND SALARIES OF PUBLIC OFFICIALS OF NORTHHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Amending certain acts of the 1937 Assembly regarding certain salaries of officials of Northampton County.

SECTION 1. That Section one of Chapter five of the Public-Local Laws of one thousand nine hundred and thirty-seven be amended by striking out the word "twenty-eight" in line two of said section and inserting in lieu thereof the word "thirty-four."

SEC. 2. That Section two of Chapter five of said Act be amend-

further by striking out the word "twenty-eight" in line two of said section and inserting in lieu thereof the word "thirty-four."

SEC. 3. That Section three of Chapter five of said Act be further amended by striking out the word "thirty-six" in line two of said section and inserting in lieu thereof the word "thirty-nine."

SEC. 4. That Section eight of said Chapter five of said Act be, and the same is hereby amended by striking out the word "twenty-eight" in line two of said Section eight, and inserting in lieu thereof the word "thirty-four."

SEC. 5. That this Act shall be effective as of the first Monday in December, one thousand nine hundred and forty-four.

SEC. 6. That all laws or clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Ratified this the 9th day of February, 1945.

S. B. 94 **CHAPTER 94**

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FOURTEEN OF THE ONE THOUSAND NINE HUNDRED AND FORTY-THREE SESSION LAWS OF NORTH CAROLINA RELATING TO THE DUTIES AND SALARIES OF PUBLIC OFFICERS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter three hundred and fourteen of the one thousand nine hundred and forty-three Session Laws of North Carolina be, and the same is hereby amended by striking out the word "twelve" after the word "than" in line five of said section and inserting in lieu thereof the word "eighteen."

Amend certain 1943 acts regarding duties and salaries of certain officials of Northampton County.

SEC. 2. That Section three of Chapter three hundred and fourteen of the one thousand nine hundred and forty-three Session Laws of North Carolina be, and the same is hereby amended by striking out in said Section three the word "twelve" after the word "than" in line eight of said section and insert in lieu thereof the word "eighteen."

SEC. 3. That Section four of Chapter three hundred and fourteen of the one thousand nine hundred and forty-three Session Laws of North Carolina be amended by striking out the word "twelve" after the word "than" in line eight of said Section four and inserting in lieu thereof the word "eighteen," and said Section four of said Chapter three hundred and fourteen be further amended by striking out the word

Same.

"twelve" in line twelve of said section and inserting in lieu thereof the word "eighteen."

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

S. B. 97 CHAPTER 95

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND NINETY-SIX PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND FORTY-ONE, REGULATING THE TERM OF GRAND JURIES FOR RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Repealing certain 1941 acts regarding grand juries in Randolph County.

SECTION 1. That Chapter two hundred and ninety-six Public-Local Laws of the State of North Carolina, session one thousand nine hundred and forty-one, be, and the same is hereby repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 78 CHAPTER 96

AN ACT PROVIDING FOR THE APPOINTMENT OF A GUARDIAN FOR AN INCOMPETENT OR INSANE PERSON WHEN APPROPRIATE ISSUES ANSWERED IN ANY JURY TRIAL.

The General Assembly of North Carolina do enact:

SECTION 1. Section thirty-five - two, Article two, Chapter thirty-five, of the General Statutes of North Carolina is hereby amended by adding a new section following said Section thirty-five - two, to be numbered Section thirty-five - two point one to read as follows:

SEC. 35-2.1. Guardian appointed when issues answered by jury in any case. That when a jury in the trial of any civil or criminal case shall find, in answer to appropriate issues, that a person is insane or without sufficient mental capacity to con-

duct business, it shall have the same effect as an adjudication before the clerk of the superior court and the clerk may forthwith appoint a guardian or trustee for the person so adjudged insane or incompetent.

Providing for appointment of Guardian for certain persons.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 81 CHAPTER 97

AN ACT PROVIDING THAT BILLS OF LADING MAY BE USED IN EVIDENCE IN CRIMINAL CASES BY AMENDING SECTION EIGHT - FORTY-ONE OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Section eight - forty-one of the General Statutes of North Carolina is hereby amended by inserting between the words "carriers" and "in" in line two, the following: or in the trial of any criminal action.

Providing that bills of lading may be used as evidence in criminal cases.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 93 CHAPTER 98

AN ACT TO AMEND SECTIONS NINETY - TWO HUNDRED AND THREE AND NINETY - TWO HUNDRED AND FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE APPOINTMENT OF THE MEMBERS OF THE STATE BOARD OF EMBALMERS.

The General Assembly of North Carolina do enact:

SECTION 1. Section ninety - two hundred and three of the General Statutes of North Carolina is hereby amended by striking out the words "State Board of Health" in lines two and three, and inserting in lieu thereof the words "North Carolina Funeral Directors and Burial Association, Incorporated"; and by striking out the words "State Board of Health" in lines eleven and twelve, and inserting in lieu thereof the words "North Carolina Funeral Directors and Burial Association, Incorporated."

Amending laws relating to appointment of State Board of Embalmers.

Same.

SEC. 2. Section ninety - two hundred and four of the General Statutes of North Carolina is hereby amended by striking out the words "State Board of Health" in lines one and two, and inserting in lieu thereof the words "North Carolina Funeral Directors and Burial Association, Incorporated"; and by striking out the words, "State Board of Health" in line five, and inserting in lieu thereof the words, "North Carolina Funeral Directors and Burial Association, Incorporated."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 116 **CHAPTER 99**

AN ACT TO PROVIDE THAT A PHARMACIST MAY SERVE AS A MEMBER OF A COUNTY BOARD OF HEALTH, AMENDING SECTION ONE HUNDRED AND THIRTY - EIGHTEEN OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Providing that a Pharmacist may serve as member of county board of health.

SECTION 1. That Section one hundred and thirty - eighteen of Chapter one hundred and thirty of the General Statutes of North Carolina be, and the same hereby is, amended by rewriting the first sentence in said section, so as to read as follows:

The chairman of the board of county commissioners, the mayor of the county town, and in county towns where there is no mayor the clerk of the superior court, and the county superintendent of schools shall meet together on the first Monday in April, one thousand nine hundred and thirty-one, and thereafter on the first Monday of January in the odd years of the calendar, and elect from the regularly registered physicians and dentists and pharmacists of the county two physicians and one dentist and one pharmacist, who, with themselves, shall constitute the county board of health.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 131 CHAPTER 100

AN ACT TO AUTHORIZE THE REGISTER OF DEEDS TO TAKE ACKNOWLEDGMENTS, ADMINISTER OATHS AND AFFIRMATIONS, AND TO PERFORM OTHER NOTARIAL ACTS WITH REGARD TO DELAYED BIRTH CERTIFICATES.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter one hundred and thirty of the General Statutes of North Carolina is hereby amended by adding a new section thereto to read as follows:

Authorizing Register of Deeds to perform notarial acts with regard to delayed birth certificates.

SEC. 130-88.1. Register of deeds may perform notarial acts. The register of deeds is hereby authorized to take acknowledgments, administer oaths and affirmations, and to perform all other notarial acts necessary for the registration of a birth certificate four years or more after the birth.

All acknowledgments taken, affirmations or oaths administered, or other notarial acts performed by the register of deeds, prior to the ratification of this Act, relative to the registration of birth certificates four years or more after birth, are hereby validated.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 142 CHAPTER 101

AN ACT TO AMEND SECTION TWO - FORTY-SIX OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO SUBSTITUTE THE REPORT OF A CERTIFIED PUBLIC ACCOUNTANT IN LIEU OF THE REPORT REQUIRED BY THE CLERK OF THE COURT.

The General Assembly of North Carolina do enact:

SECTION 1. Section two - forty-six of the General Statutes of North Carolina, as amended, is hereby further amended by adding a proviso at the end of the said section, said added proviso to read as follows:

Report by Clerk of Superior Court of Hertford County.

Provided, further, that in the event the accounts of the Clerk of the Superior Court of Hertford County are audited at least once each year by a certified public accountant, and the report and audit made by said certified public accountant are approved by the clerk and accepted by the Board of County Commissioners of

Hertford County, the annual report required by this section shall not be required of the clerk of the superior court of said county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 147

CHAPTER 102

AN ACT TO FIX FEES FOR JURORS IN INQUISITIONS OF LUNACY AND PROCEEDINGS FOR THE RESTORATION OF SANITY, AND FOR SERVING SUMMONSES ON SAID JURORS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Fees for jurors in lunacy proceedings in Guilford County.

SECTION 1. Jurors who have been summoned by the sheriff to serve in an inquisition of lunacy, or in a proceeding for the restoration of sanity as provided by Sections thirty-five - two and thirty-five - four of the General Statutes of North Carolina shall receive one dollar ($1.00) per day for the first day's attendance upon such hearing; and if said jurors shall be required to attend said hearing more than one day they shall receive for such additional time the same amount per day and mileage, which regular jurors receive for their attendance upon the superior court.

Fees for Sheriff

SEC. 2. The sheriff shall receive as compensation for summoning the jurors in an inquisition of lunacy, or a proceeding for the restoration of sanity, fifty cents (50c) for each person summoned.

How said fees are to be paid.

SEC. 3. The fees above provided shall be taxed as a part of the cost of the proceeding, and paid in the same manner as other costs therein.

Applies only to Guilford County.

SEC. 4. This Act shall apply to Guilford County only.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall become effective upon its ratification.

Ratified this the 9th day of February, 1945.

H. B. 148 **CHAPTER 103**

AN ACT TO AMEND SECTION NINE - FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA, AND TO FIX FEES AND TRAVEL ALLOWANCE FOR JURORS AND GRAND JURORS IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section nine - five of the General Statutes of North Carolina, in so far as it applies to Washington County, is hereby amended by adding thereto the following:

Fees and allowances for jurors and grand jurors in Washington County.

All jurors and grand jurors of the Superior Court of Washington County shall receive four dollars ($4.00) per day each while serving as such jurors, and in addition thereto, shall receive for each day's proven attendance as such jurors a travel allowance computed on the basis of five cents ($.05) per mile for the distance from the home of each respective juror to the county seat and return, said distance to be computed by the usual route of public travel. The amount so computed shall be paid to each such juror for each day's proven attendance, in addition to the four dollars ($4.00) per diem herein provided: *Provided,* that nothing herein shall operate to prevent the County Commissioners of Washington County from hereafter increasing or decreasing the fees or mileage to be paid to jurors or grand jurors in said county within the limits set out in Section nine - five of the General Statutes of North Carolina.

Applies only to Washington County.

SEC. 2. This Act shall apply only to Washington County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 149 **CHAPTER 104**

AN ACT TO FIX THE SALARY AND ALLOWANCES TO BE PAID TO THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS AND THE MEMBERS OF SAID BOARD OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Salary and allowances for Chairman of County Commissioners in Washington County.

SECTION 1. The Chairman of the Board of County Commissioners of Washington County shall receive a salary of four hundred and twenty dollars ($420.00) per annum, payable in equal monthly installments. The same to be in full compensation for all services of the said Chairman of the Board of County

Commissioners of Washington County. In addition to the annual salary heretofore fixed, the Chairman of the Board of County Commissioners of Washington County shall be allowed and paid milage computed on the basis of five cents (5c) per mile for the distance from the home of said chairman to the county seat and return, said distance to be computed by the usual route of public travel.

Other members of said Board of County Commissioners.

SEC. 2. That each member of the Board of County Commissioners of Washington County, other than the chairman, shall receive the sum of ten dollars ($10.00) for each meeting attended by such member or members, held by said board of county commissioners, regardless of the length of time consumed in the meeting, and a travel allowance computed on the basis of five cents (5c) per mile for the distance from the home of each respective member to the county seat and return, said distance to be computed by the usual route of public travel.

Clerk of said Board.

SEC. 2½. The Clerk of the Board of County Commissioners of Washington County shall receive the sum of ten dollars ($10.00) for each meeting of said board attended by said clerk.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 150 CHAPTER 105

AN ACT TO FIX THE SALARY AND ALLOWANCES TO BE PAID TO THE CHAIRMAN AND MEMBERS OF THE BOARD OF EDUCATION OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Salary and allowances for Chairman of Board of Education of Washington County.

SECTION 1. The Chairman of the Board of Education of Washington County shall receive a salary of four hundred and twenty dollars ($420.00) per annum, payable in equal monthly installments. The same to be in full compensation for all services of the said Chairman of the Board of Education of Washington County. In addition to the annual salary heretofore fixed, the Chairman of the Board of Education of Washington County shall be allowed and paid mileage computed on the basis of five cents (5c) for the distance from the home of said chairman to the county seat and return, said distance to be computed by the usual route of public travel.

SEC. 2. That each member of the Board of Education of Washington County, other than the chairman,shall receive the sum of ten dollars ($10.00) for each meeting attended by such member or members, held by said board of education, regardless of the length of time consumed in the meeting, and a travel allowance computed on the basis of five cents (5c) per mile for the distance from the home of each respective member to the county seat and return, said distance to be computed by the usual route of public travel. Other members of said Board.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 167 **CHAPTER 106**

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF THE TOWN OF TRYON TO EXECUTE A QUITCLAIM DEED TO CERTAIN PROPERTY IN THE TOWN OF TRYON ON A PROJECTED AND UNOPENED STREET DESIGNATED AS PACOLET STREET AND TO CONVEY TITLE THERETO.

WHEREAS, when the town of Tryon was originally laid out, there was projected on a plat of the said town, a certain street designated as Pacolet Street, and the part of said projected street lying West of Walnut Street has never been opened as a street, and on account of the fact that the said street at said point would have to go down a very steep grade and it is, therefore, impractical to open said street, the Commissioners of the Town of Tryon desire to sell and convey all right, title and interest which the Town of Tryon has in said property and to execute a quitclaim deed therefore: Now, therefore, Sale of certain lands in Tryon.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of the Town of Tryon be and they are hereby authorized and empowered to sell and convey, and to execute a quitclaim deed therefor, all of the right, title and interest which the Town of Tryon has in the unopened street designated as Pacolet Street, lying West of Walnut Street in the Town of Tryon. Commissioners of Tryon authorized to sell said lands.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 181 CHAPTER 107

AN ACT TO EXCEPT ROBESON COUNTY FROM CERTAIN PROVISIONS OF CHAPTER SIXTY-SEVEN, SECTION THIRTEEN, OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Robeson County exempted from certain General Statutes.

SECTION 1. All that portion of Section thirteen of Chapter sixty-seven of the General Statutes of North Carolina after the word "collected" in line three, shall not apply to the County of Robeson, and the County of Robeson is hereby excepted therefrom.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 188 CHAPTER 108

AN ACT TO AMEND SECTION ONE HUNDRED AND FIVE - THREE HUNDRED AND FORTY-FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO DISCOUNTS OF THE EARLY PAYMENT OF TAXES IN CUMBERLAND COUNTY AND CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Certain tax discounts in Cumberland County.

SECTION 1. Section one hundred and five - three hundred and forty-five of the General Statutes of North Carolina is hereby amended as follows:

(a) Amend Subsection one by striking out the word "November" in line one thereof and inserting in lieu thereof the word "December."

(b) Amend Subsection two by striking out the word "November" in line one thereof inserting the word "December."

(c) Amend Subsection six by rewritting that part of said subsection following the colon after the word "discounts" in line seven to read as follows:

If paid on or before October first, a deduction of two per cent (2%); if paid during the month of October, a deduction of one per cent (1%).

Applies only to Cumberland County.

SEC. 2. This Act shall apply only to Cumberland County and City of Fayetteville.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 190 CHAPTER 109

AN ACT TO FIX THE SALARY OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That as compensation for their services on the Board of County Commissioners of Pasquotank County, the members thereof shall receive the sum of seven dollars and fifty cents ($7.50) per diem for each day spent in the discharge of their official duties, and in addition thereto such members shall receive travel allowance at the rate of five cents ($.05) per mile while traveling on official business of the board from their respective homes to the place of meeting of the board and return, said distance to be computed by the usual road of public travel. Salary and allowances for County Commissioners in Pasquotank County.

SEC. 2. That this Act shall apply only to Pasquotank County. Applies only to Pasquotank.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification. Conflicting laws repealed.

Ratified this the 9th day of February, 1945.

H. B. 191 CHAPTER 110

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN OF THE BOARD OF EDUCATION OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Chairman of the Board of Education of Pasquotank County shall be paid, in addition to any compensation otherwise received by him by reason of his membership on said board, an annual salary of one hundred dollars ($100.00) payable semiannually, beginning as of March first, one thousand nine hundred and forty-five. Salary of Chairman of Board of Education of Pasquotank County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 193 CHAPTER 111

AN ACT TO FIX THE NUMBER OF MEMBERS OF THE COUNTY BOARD OF EDUCATION FOR CURRITUCK COUNTY AND TO PROVIDE FOR THEIR NOMINATION BY DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Education of Currituck County shall be composed of three (3) members.

Election of Board of Education of Currituck County.

SEC. 2. At the primary election for county officers in Currituck County to be held in the year one thousand nine hundred and forty-six, and biennially thereafter, the political parties of the county shall nominate as their candidates for membership on the county board of education, one candidate from Fruitville Township, one candidate from Poplar Branch Township, and one candidate from the combined Townships of Crawford and Moyock: *Provided* that in said primary election all candidates for nomination as members of the county board of education herein provided for, shall be voted upon by the qualified voters of Currituck County as a whole; and in determining the result of the primary election herein provided for, the candidates from each of the three districts receiving the greatest number of votes from the qualified voters of the county as a whole shall be declared nominees for membership on the county board of education from each of said districts.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 197 CHAPTER 112

AN ACT TO FIX THE SALARIES OF MEMBERS OF THE BOARD OF COMMISSIONERS OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Salary and allowances of County Commissioners in Yadkin County.

SECTION 1. Members of the Board of Commissioners of Yadkin County shall receive a salary of one hundred and twenty dollars ($120.00) yearly, and five cents (5c) per mile for attending meetings.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 199 CHAPTER 113

AN ACT TO PROVIDE FOR THE TRANSFER OF CRIMINAL CASES FROM THE RECORDER'S COURT OF MARTIN COUNTY TO THE SUPERIOR COURT WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

SECTION 1. The provisions of Chapter seven of the General Statutes of North Carolina, relative to trial by jury in criminal cases in the Recorder's Court of Martin County, are hereby repealed. Transfer of certain criminal cases from Recorder's Court to Superior Court in Martin County.

SEC. 2. In the trial of any criminal case in the Recorder's Court of Martin County, upon demand for a jury by the defendant or prosecuting attorney representing the State, the recorder shall transfer said case to the Superior Court of Martin County for trial, and the defendant shall execute a new bond in an amount to be determined by the recorder for his appearance at the next term of the Superior Court of Martin County.

SEC. 3. This Act shall only apply to Martin County. Applies only to Martin County.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

H. B. 211 CHAPTER 114

AN ACT TO FIX THE SALARY OFF THE COUNTY ACCOUNTANT OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The County Accountant of Graham County shall receive a salary of one thousand six hundred and eighty dollars ($1,680.00) per annum, payable in equal monthly installments. The same to be in full compensation for all services of the said County Accountant of Graham County. Salary of County Accountant in Graham County.

SEC. 2. That the installment payments provided for in Section one of this Act shall apply to the installments of salary applicable to the month of February, one thousand nine hundred and forty-five, and thereafter.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, 1945.

S. B. 50 **CHAPTER 115**

AN ACT TO AMEND SECTION TWO - THIRTY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE AUDITING OF FINAL ACCOUNTS OF CERTAIN NAMED FIDUCIARIES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two - thirty-four of the General Statutes of North Carolina is hereby amended by rewriting that portion of the section preceding the proviso to read as follows:

Fees for auditing final accounts of certain fiduciaries.

SEC. 2-34. Fee for auditing final accounts of receivers, executors, et cetera. For auditing final accounts of receivers, executors, administrators, administrators with will annexed, collectors, trustees for incompetents, trustees under wills, guardians or surviving partner, the fee shall be fifty cents for each one hundred dollars or a fraction thereof of the total receipts and disbursements through one thousand dollars, and ten cents per each one hundred dollars or a fraction thereof on everything above one thousand dollars, but in no event shall the fee be less than two dollars nor more than fifty dollars:

Applies only to Durham County.

SEC. 1½. That this Act shall apply only to Durham County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

S. B. 66 CHAPTER 116

AN ACT TO AMEND SECTION THIRTY - TWELVE OF THE GENERAL STATUTES RELATING TO THE ALLOTMENT OF A WIDOW'S DOWER.

The General Assembly of North Carolina do enact:

SECTION 1. That the first sentence of Section thirty - twelve of the General Statutes of North Carolina is hereby rewritten to read as follows:

Allotment of a widow's dower.

If no such agreement be made, the widow may apply for assignment of dower by petition in the superior court, and, if she fail to make such application within three months after the death of her husband, any heir, devisee, owner, or other person having any interest in said land, or claiming estates in, may file a petition reciting the facts that the widow is entitled to dower in certain lands and has not applied for it and demand that her dower be assigned to her.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

S. B. 76 CHAPTER 117

AN ACT TO AMEND SECTION ONE HUNDRED - TEN OF THE GENERAL STATUTES, SO AS TO INCLUDE THE PERSONS WHO SERVED IN WORLD WAR II IN SAID SECTION.

The General Assembly of North Carolina do enact:

Veterans of World War 2.

SECTION 1. That Section one hundred - ten of the General Statutes be, and the same hereby is, amended by adding after the words "in the great World War," the following: or in the global war known as World War II."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

S. B. 89 **CHAPTER 118**

AN ACT TO ESTABLISH A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Pension Fund for Fire Department of Gastonia.

SECTION 1. That there shall be established a pension fund for the Fire Department of the City of Gastonia, said fund to be known as the "Gastonia Firemen's Pension and Disability Fund," hereinafter referred to as "Pension Fund," and said fund shall be made up and established as follows:

(a) By the transfer of said funds from the firemen's relief fund as provided for in an amendment to Chapter one hundred and eighteen, Section one hundred and eighteen - seven, of the General Statutes of North Carolina, as amended.

Monthly deduction from salary of Firemen.

(b) The City Treasurer of the City of Gastonia is hereby authorized, empowered, and directed to deduct each month from the pay check or checks of each and every member of the fire department coming under the provisions of this Act, beginning the first month after the ratification of this Act, three per cent (3%) of the monthly salary of each said person.

Contribution by Gastonia.

(c) That after deducting the three per cent (3%) set out in Subsection (b) of this Act, the city treasurer shall each month, beginning the first month after the ratification of this Act, pay over to said pension fund an amount equal to three per cent (3%) of the total salaries referred to above.

Custodian of said Pension Fund.

SEC. 2. That any person, firm, or corporation designated by the board of examiners at any duly convened meeting shall be the custodian of said pension fund and shall pay the beneficiaries thereof on the first day of each and every month any moneys in his or its possession that such beneficiary or beneficiaries may be entitled to as set out in the succeeding paragraph of this Act. Such custodian shall serve at the will of the board of examiners and shall render his services to said board without any compensation unless otherwise agreed upon between the said person, firm, or corporation and said board of examiners.

Regulations for retirement and payment of benefits.

SEC. 3. That any person who is a fulltime paid member of the Gastonia Fire Department as shown by the records of the City of Gastonia at the time of the ratification of this Act or any member or any former member of the Fire Department of the City of Gastonia who are now members of the armed forces of the United States Government and who return to the active service as firemen for the City of Gastonia after the completion of their military service, or who becomes a fulltime paid member thereof after the ratification of this Act and has, or shall

have, a service record of twenty-five (25) years as a fulltime paid member of said department or has, or shall have, reached the age of fifty-five (55) years, whichever shall first occur, shall be eligible for retirement from service in the Fire Department of the City of Gastonia and to receive the benefits of retirement set out in this Act. In the event a fullttime paid member of the said department shall have reached the age of sixty-five (65) years he may be retired at the pleasure of the board of examiners hereinafter provided for, and if any fulltime paid member of the said department reaches the age of seventy (70) years he shall be automatically retired. If a member of the said department reaches the retirement age before he has served twenty-five (25) years then the board may in its discretion pro rata the benefits due him according to the length of service as a member of the said fire department.

Rate of benefits.

SEC. 4. That any fulltime paid member of said department who retires or is retired under the provisions of Section three of this Act shall receive monthly for the remainder of his life from said pension fund an amount equal to fifty per cent (50%) of his average monthly salary at the time of his retirement.

Disability benefits.

SEC. 5. That in the event any full-time paid member of the Gastonia Fire Department shall hereafter become in the opinion of the board of examiners disabled from injury sustained or disease contracted while acting in the line of his duties and it is found by the board of examiners that he shall be unable to work, he shall receive each month from said pension fund during such disability an amount equal to his full monthly salary as paid to him by the City of Gastonia, less such portion of his salary as is otherwise paid him by the City of Gastonia: *Provided,* however, that if he receives compensation under the provisions of the North Carolina Workmen's Compensation Act on account of his disability then the amount of compensation paid him from said pension fund shall be further diminished by the monthly amount of compensation he received under the provisions of said Act.

Partial benefits.

SEC. 6. That in the event any fulltime paid member of the Gastonia Fire Department shall hereafter become disabled from injury or disease which the board of examiners shall find was not proximately caused while acting in the line of his duties and is unable to work, he shall receive monthly twenty-five per cent (25%) of his average monthly earnings as a fulltime paid member of said department from the beginning of his fulltime paid employment until the termination of his disability, or for the last twenty (20) years of his fulltime paid employment, whichever is the shorter, such payments to be made in equal monthly installments as long as said disability continues: *Provided,* that five (5) years fulltime paid service in said depart-

ment shall be a prerequisite to qualify for the benefits under this section.

Voluntary retirement before age limit.

SEC. 7. If any full time paid member of said department shall voluntarily sever his connection with said department before he is eligible for retirement as herein provided, he shall thereby forfeit all rights to the deductions from his salary which were placed in said pension fund, but if any said fulltime member of said department involuntarily severs his connection with said department before he is eligible for retirement as herein provided, he shall be refunded twenty per cent (20%) of all moneys deducted from his salary which went into the pension fund.

Board of Examiners to pass on claims.

SEC. 8. That the Chief of the Fire Department of the City of Gastonia shall be chairman of a board of examiners to determine the fireman's claims under this Act; that the city physician shall be appointed by the city council to be a member of said board, and a third member of said board shall be elected by a majority vote of the chief and members of the fire department; that all members of said board other than chief of the fire department shall be appointed or elected for a term of three (3) years and they shall be selected within five (5) days after the ratification of this Act, and all members of said board shall promptly take the oath of office administered to other officials of the city and shall then enter upon their duties, and the appointed or elected members shall serve a three-year period or until their successors are appointed or elected and duly qualified. Vacancies must be filled in the manner provided for the original selection except that upon resignation or refusal to serve, the chief of the fire department shall appoint someone to fill his unexpired term.

Decision of said Board final.

The said board shall have the power and authority to determine the claims of firemen coming under the provisions of this Act, and the decision of a majority of the board shall be final. The board may meet at any time upon call of the chairman or upon call of the two members if the chairman refuses to call a meeting.

Custodian of Pension Fund must furnish bond.

SEC. 9. That the custodian of the pension fund shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina as surety in a sum equal to the maximum amount calculated and expected to be in his posession as such custodian at any time within the fiscal year for which the bond is given. The condition of said bond shall be that said custodian shall faithfully keep, preserve, spend as herein provided, and account for all funds and property coming into his hands as such custodian, and the premium on said bond shall be paid out of the pension fund.

Investment of Pension Fund.

SEC. 10. That the said custodian of said pension fund is authorized and directed to invest all moneys coming into his possession belonging to said pension fund except so much as the board of examiners shall from time to time decide is reasonably necessary for the prompt payment of claims and expenses in such securities as the board of examiners shall select: *Provided, however,* that such securities shall be limited to, and upon, the same condition as those enumerated by General Statutes of North Carolina as amended as to the investment of trust funds, and, or, the funds of guardians.

Not to interfere with participation in Workmen's Compensation program and certain other programs.

SEC. 11. That this Act is not intended to deprive the full-time paid members of the Fire Department of the City of Gastonia of the rights to also come under the provisions of an amendment to an Act to provide old age security for old and incapacitated teachers and state employees to provide for the creation of a retirement fund through joint contributions of employers and employees and to provide machinery for the proper administration of this law which will permit cities at their own expense to participate in said retirement system providing the City of Gastonia shall come under the provisions of any amendment to said Act. Also it is to interfere in no way with the Workmen's Compensation Laws of the State of North Carolina.

Pension Fund can receive gifts and bequests.

SEC. 12. The board of examiners as herein provided for may take and receive any gift, grant, bequest, or devise of any real or personal property or other things of value for, and as, the property of said pension fund and hold and disburse and invest the same for the use of said fund in accordance with the purpose of this Act.

Conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 14. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

S. B. 100 **CHAPTER 119**

AN ACT TO EMPOWER THE COMMISSIONERS OF THE TOWN OF LOUISBURG TO CONVEY CERTAIN UNUSED PORTIONS OF THE EXTENSION OF SPRING STREET IN SAID TOWN.

Certain lands in Louisburg, owned by town but used by individuals.

WHEREAS for many years, a portion of the extension of Spring Street South of Nash Street in the Town of Louisburg was not used as a public thoroughfare or street, and whereas, during said period, H. T. Bartholomew erected a brick building extending approximately ten feet into the Western edge of said

unused portion of extension of said street and G. W. Murphy and M. C. Murphy, trading as G. W. Murphy and Son have purchased a lot on the South side of said building and, for many years, have used the land encroaching about ten feet on the Western edge of said extension for the depth of said Murphy lot, and whereas, it has been agreed between the said Commissioners of the Town of Louisburg and the parties above named that the said Commissioners of the Town of Louisburg, with the consent of the General Assembly of North Carolina, will convey to the said parties above named that portion of said extension so used by said parties above named, respectively, and a resolution to that effect has been duly adopted by said Commissioners of the Town of Louisburg: Now, therefore,

The General Assembly of North Carolina do enact:

Louisburg authorized to convey certain lands to H. T. Bartholomew.

SECTION 1. That Commissioners of the Town of Louisburg be and it is hereby authorized and empowered to convey to H. T. Bartholomew, his heirs and assigns, by proper deed, all of the right, title, interest, estate and easement held or owned by said Commissioners of the Town of Louisburg in and to the following lot or parcel of land: Situate in the Town of Louisburg, Franklin County, North Carolina, beginning at the intersection of Nash Street and Spring Street, extended, the Southwest corner, and running along the South side of Nash Street South fifty-seven degrees forty-five minutes East ten and ninety-one one hundredths feet to the corner of Bartholomew's brick wall; thence South thirty-two degrees fifteen minutes West sixty-two feet to the corner of Bartholomew's brick wall; thence North fifty-seven degrees forty-five minutes East ten and ninety-one one hundredths feet to a point in the masonry foundation in the West side of Spring Street; thence along the west side of Spring Street North thirty-two degrees fifteen minutes East sixty-two feet to the point of beginning, containing six hundred and seventy-six square feet.

Louisburg authorized to convey certain lands to G. W. Murphy & Son.

SEC. 2. That Commissioners of the Town of Louisburg be and it is hereby authorized and empowered to convey to G. W. Murphy and M. C. Murphy, trading as G. W. Murphy and Son, their heirs and assigns, by proper deed, all of the right, title, interest, estate and easement held or owned by said Commissioners of the Town of Louisburg in and to the following lot or parcel of land: Situate in the Town of Louisburg, Franklin County, North Carolina, beginning at Bartholomew's corner in the West side of Spring Street, extended, and running South fifty-seven degrees forty-five minutes East ten and ninety-one one hundreths feet to the corner of Bartholomew's wall; thence South thirty-two degrees forty-five minutes West along the West side of Spring Street, extended, fifty and forty-one one hundredths feet to an iron stake; thence North fifty-seven degrees forty-five minutes West ten and ninety-one one hundreths feet to a stake in the

West side of Spring Street, extended; thence along the West side of Spring Street, extended, North thirty-two degrees fifteen minutes West fifty and forty-one one hundreths feet to the point of beginning, containing five hundred and fifty square feet.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provision of this Act be and they are hereby repealed to the extent of such conflict.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

S. B. 101

CHAPTER 120

AN ACT TO PROVIDE FOR THE HOLDING OF AN ELECTION TO DETERMINE THE ADOPTION OF A NEW PLAN OF GOVERNMENT FOR THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Election in Fayetteville on new plan of city government.

SECTION 1. Amend Section one hundred and sixty - two hundred and ninety-six of the General Statutes of North Carolina by adding to said section immediately after the word "city" in the last line of said section a proviso as follows: *Provided,* that an election to determine the adoption of a new plan of government as authorized by Article twenty-one of Chapter one hundred and sixty of the General Statutes of North Carolina shall be held for the City of Fayetteville upon a petition being filed with the County Board of Elections of Cumberland County signed by at least one hundred (100) qualified voters of the City of Fayetteville, the same being qualified voters at the last election next preceding the filing of the petition.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

S. B. 115 CHAPTER 121

AN ACT TO REPEAL SECTION THREE OF ARTICLE XIII OF CHAPTER SIXTY-EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN RELATING TO THE CHARTER OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

Relating to Charter of Hickory.

SECTION 1. That Section three of Article XIII of Chapter sixty-eight of the Private Laws of one thousand nine hundred and thirteen, as amended by Section two of Chapter three hundred and forty-four of the Public-Local and Private Laws of one thousand nine hundred and forty-one, be, and the same is hereby, repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 7 CHAPTER 122

AN ACT TO AMEND SECTION ONE HUNDRED AND SIXTY - FOUR HUNDRED AND TWO OF THE NORTH CAROLINA GENERAL STATUTES SO AS TO AUTHORIZE THE TOWN OF NASHVILLE TO LEVY AND COLLECT AN ANNUAL AD VALOREM TAX NOT IN EXCESS OF ONE DOLLAR AND FIFTY CENTS ($1.50) FOR THE GENERAL OPERATING EXPENSE THEREOF.

The General Assembly of North Carolina do enact:

Tax rate in Nashville.

SECTION 1. The Town of Nashville in Nash County is hereby exempted from the provisions of Section one hundred and sixty - four hundred and two of the General Statutes of North Carolina and is hereby authorized and empowered to levy and collect an annual ad valorem tax on all taxable property within the municipality at a rate not exceeding one dollar and fifty cents ($1.50) on the one hundred dollar valuation of said property for the general operating expense thereof.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 80 CHAPTER 123

AN ACT RELATING TO THE SERVING OF SUMMONS BY COPY ON NONRESIDENT THROUGH AGENT, EMPLOYEE, OR OTHER REPRESENTATIVE BY REGISTERED MAIL AND AMENDING SECTION ONE - NINETY-SEVEN, SUBSECTION FIVE, SO AS TO REQUIRE JUDGE TO MAKE FINDING OF FACT AS TO SERVICE.

The General Assembly of North Carolina do enact:

Amending laws regarding service of summons on certain defendants.

SECTION 1. Section one - ninety-seven, Subsection five of the General Statutes of North Carolina is hereby amended by adding at the end of said Subsection five, the following:

But no final decree shall be entered unless the presiding judge at the trial shall find as a fact that the plaintiff mailed by registered mail with the return receipt request to the last known address of the defendant a copy of the summons and complaint in the action. The return postal receipt shall be evidence of the mailing of said summons and complaint as herein provided for.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 83 CHAPTER 124

AN ACT TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR MUNICIPAL OFFICES IN THE TOWN OF JACKSONVILLE BY PRIMARY.

The General Assembly of North Carolina do enact:

Primary elections in Jacksonville.

SECTION 1. That political parties in the Town of Jacksonville, North Carolina, shall nominate their candidates for municipal offices in said town by a primary election held as hereinafter provided and shall be held on Tuesday after the first Monday in April preceding the general municipal election.

Filing by candidates.

SEC. 2. Candidates for nomination shall file with the town clerk, at least ten days prior to holding any primary, written notice of their intention to be candidates in substantially the following form:

I, ..., hereby give notice that I am a qualified voter and resident of the Town of Jacksonville, North Carolina; that I am a candidate for nomination to the office of.....,

to be voted upon at the primary election to be held on the ..... day of ..... one thousand nine hundred and ....., and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed).....

Ballots to be printed.

SEC. 3. The town clerk shall prepare and cause to be printed the primary ballot of each political party for each ward in said town and said ballot shall be arranged and printed substantially in the manner following:

Separate ballots for Parties.

(1) At the top of the ballot shall be printed in large capital letters words designating the ballot; if a Democratic ballot, the designating words shall be "Democratic Primary Ballot," if a Republican ballot, the designating words shall be "Republican Primary Ballot," and in like manner for each political party .

Regulations regarding printing the ballots.

(2) Beginning not less than one inch below the designating word, the name of each office to be filled shall be printed in capital letters, the candidates for mayor coming first. Below the name of each office shall be printed in small letters the directions to the voters. "Vote for one," "Vote for two," or a spelled number designating the number of the persons under that head that are to be voted for. Below the name of each office shall be printed in capital letters the names of all candidates for the nomination of said office which are entitled to be placed upon the respective primary ballot. The names of all candidates on the primary ballot shall be printed in type of uniform size, and the names shall be printed in column. Immediately opposite in front of the name of each candidate shall be printed a square, and all squares upon the primary ballot shall be of uniform size. Spaces below the names of candidates under each office shall be uniform, and sufficient space shall separate the names of candidates for one office from the names of candidates for another office to avoid confusion. The size of the ballot shall be determined by the town clerk. The names of candidates nominated by ward shall only appear on the ballot with the names of candidates for mayor in the ward they are nominated.

Uncontested offices.

SEC. 4. In all cases where there is only one aspirant for nomination for mayor to be voted for by his political party, and only one aspirant for nomination for alderman in one ward, the town clerk, upon the expiration of the time for filing the notice, as required in Section two, shall declare him the nominee of his party, and his name shall not thereafter be placed on the primary ballot. In case there shall be any office for which no one

Unsought offices.

has filed his declaration for nomination during the proper time, if the vacancy shall be for the office of mayor, it shall be filled by the members of the ward executive committee of the several

wards; and in case the vacancy shall be for an office to be voted for by a ward only, it shall be filled by the ward executive committee of said ward; such vacancies shall be filled at least five days before the primary, and their nomination shall be certified by the town clerk as provided in this section.

Ballots delivered to registrar in each ward.

SEC. 5. The town clerk shall cause to be delivered to the registrar of each ward not less than twenty-four hours before the time fixed for the opening of the polls the official primary ballot of each political party, and the number thereof for each political party in each ward shall be at least one hundred for each fifty votes cast in each ward by the said political party at the last preceding election.

Registering and voting.

SEC. 6. All electors who are duly qualified to register and vote and who are members of any political party participating in said primary, shall have the right to register and vote in said primary election under the same penalties and subject to the same punishments for violation of the provisions of this Act as are prescribed by the laws of the State of North Carolina.

Registrar and poll holders in each ward.

SECTION 7. The Board of Aldermen of the Town of Jacksonville during the week beginning with the first Monday in March preceding a primary under this Act shall appoint a registrar and two poll holders for each ward and the poll holders in each ward shall be members of different political parties. The registrars shall open the municipal registration books on the fourth Saturday preceding the day of the holding of the primary and said registration books shall be closed on the second Saturday preceding the day of holding the primary, and challenges shall be made, heard, and determined during the week preceding the day for holding the primary; *provided,* the foregoing provision shall not be construed to prevent any electors from challenging any one who offers to vote on the primary day. If there are no candidates to be voted on in said primary of the same political party of the poll holder, then such poll holder shall not serve on primary day, nor shall he be entitled to any compensation. Any person offering to vote may be challenged by any elector, and if the party affiliation of the voter is in doubt, he shall be required to make oath of such affiliation.

Regulations.

SEC. 8. The candidate who receives a majority of the votes cast for the office for which he was a candidate shall be the nominee of said party for such office. *Provided* if no aspirant shall receive a majority of the votes cast, a second primary, subject to the conditions hereinafter, shall be held in which only the two aspirants who shall have received the highest and next highest number of votes shall be voted for: *Provided,* that if either of such two shall withdraw and decline to run, and shall within three days after the first primary file notice to the effect with the appropriate board of elections, such board shall declare the other aspirant nominated. If the second primary be ordered

Regulations.

by the appropriate board of elections, it shall be held one week after the first primary, in which case such second primary shall be held under the same laws, rules, and regulations as are provided for the first primary, except there shall be no further registrations of voters.

Filing fees to be paid by candidates.

SEC. 9. To provide funds for holding such primary and paying the expenses thereof, each candidate shall at the time of their declaration of nomination pay to the town clerk the amounts named in this section, and failing to pay the same, shall not be entitled to participate in the said primary. All candidates for mayor shall pay the sum of ten dollars ($10.00) and all candidates for aldermen or any other elective office shall pay the sum of five dollars ($5.00). Should the town clerk find, after paying all expenses of the primary out of the funds raised by these assessments, that there is a deficit, then the Town of Jacksonville shall pay the remainder of said expenses. The registrars and poll holders shall receive the same compensation allowed for conducting a general election. The town clerk shall receive no extra compensation for the duties imposed upon him in this Act.

Must use official ballots.

SEC. 10. It shall be unlawful for any person to make or cause to be made any copy or copies of the official ballots as sent out by the town clerk, and no other ballots other than those provided in Section two shall be used or voted in said primary. Any violation of this section by any person shall constitute a misdemeanor. Nothing in this Act shall prevent any elector from writing or otherwise inserting any name on the ballot of a person for whom he wishes to vote.

Parties in primary and election.

SEC. 11. Should any political party provided for in this Act fail to enter the primary as herein prescribed and nominate their candidate accordingly, in that event no tickets bearing the name of any candidate or members of the political party so failing to comply with this Act shall be permitted to be voted at the ensuing municipal election.

Powers of Board of Aldermen.

SEC. 12. The Board of Aldermen of the Town of Jacksonville shall have the same authority regarding the conduct of said primary including the registration of electors for said primary as they now have with regard to the conduct of municipal elections in said town subject to the provisions of this Act.

State-wide laws apply.

SEC. 13. All provisions of the State-wide election laws of the State applicable to municipalities not inconsistent with this Act shall apply as fully to the primary herein provided.

Notice of registration and date of primary.

SEC. 14. It shall be the duty of the town clerk to publish in some newspaper published in the Town of Jacksonville, at least ten (10) days prior to the opening of the registration books, notice stating the dates when said books will open, the names of the registrars, and location of the polling places, together with

the date of the primary. Said notice shall be published at least three (3) times.

SEC. 15. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 16. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 94 CHAPTER 125

AN ACT TO AMEND ARTICLE TWENTY-FOUR OF CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO MUTUAL BURIAL ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Section fifty-eight - two hundred and twenty-six of the General Statutes of North Carolina is hereby amended as follows: Amending General Statutes relating to mutual burial associations.

(1) Strike out the words "in substance" in lines five and six thereof.

(2) Amend Article four thereof by striking out the words, "The secretary-treasurer shall be the only paid officer of the association and his compensation shall be fixed by the board of directors", in lines thirty-four, thirty-five, thirty-six and thirty-seven.

(3) Amend Article thirteen thereof as follows:

(a) Change the period after the word "collected" in lines four and five to a comma and add the following words: in any one calendar year. In the event the association fails to expend the twenty-five per cent (25%) allowed herein by the thirty-first day of December of any year, then that amount not used shall be placed in the surplus.

(b) Strike out the words and figures, "twenty-five thousand dollars ($25,000.00) per year" in line nine, and insert in lieu thereof the words and figures, "twenty-six thousand and five hundred dollars ($26,500.00) per year." Same.

SEC. 2. Section fifty-eight - two hundred and twenty-seven of the General Statutes of North Carolina is hereby amended by inserting a new sentence after the word "association" in line twenty thereof to read as follows: The burial association commissioner may, upon proof satisfactory to himself that said licensed agent has violated any section of this Act, revoke said license.

SEC. 3. Section fifty-eight - two hundred and twenty-eight of the General Statutes of North Carolina is hereby amended by

striking out the words and figures "twenty-five thousand dollars ($25,000.00)" in lines eight and nine and inserting in lieu thereof the words and figures, "twenty-six thousand and five hundred dollars ($26,500.00)."

SEC. 4. Chapter fifty-eight of the General Statutes of North Carolina is hereby amended by inserting between Section fifty-eight - two hundred and twenty-nine and Section fifty-eight - two hundred and thirty, a new section to be numbered Section fifty-eight - two hundred and twenty-nine point one and to read as follows:

Revocation of licenses of certain burial associations.

SEC. 58-229.1. Revocation of license. In the event it is proven to the satisfaction of the burial association commissioner that any burial association is being operated not in conformity with one or more sections of Chapter fifty-eight, Article twenty-four of the General Statutes of North Carolina, or it is proven to the satisfaction of the burial association commissioner that the official funeral director, or directors, are not adequately equipped to render the services provided for by said article, then it shall become the duty of the burial association commissioner upon hearing to revoke the license of said burial association and transfer said burial association, its membership and all its assets of every kind and description to another burial association that is found by the burial association commissioner to be in good sound financial condition: *Provided,* that if said burial association gives notice of appeal as provided for in Section fifty-eight - two hundred and thirty-six, then said burial association shall continue to operate as before the revocation and until final abjudication.

SEC. 5. Section fifty-eight - two hundred and thirty-two of the General Statutes of North Carolina is hereby amended by inserting after the word, "Any" and before the word, "burial" in line one thereof the words "person or."

Constitutionality.

SEC. 6. If any clause, sentence, paragraph or part of the laws relating to Mutual Burial Associations in North Carolina shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph or part of said laws, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 101 CHAPTER 126

AN ACT AMENDING SECTION NINETY - ONE HUNDRED AND EIGHTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA DEFINING CHIROPODY (PODIATRY).

The General Assembly of North Carolina do enact:

SECTION 1. Section ninety - one hundred and eighty-eight of the General Statutes of North Carolina is hereby repealed and there is substituted in lieu thereof the following:

90-188 Chiropody defined. Chiropody (podiarty) as defined by this ariticle is the surgical or medical or mechanical treatment of all ailments of the human foot, except the correction of deformities requiring the use of the knife, amputation of the foot or toes, or the use of an anesthetic other than local. Chiropody defined.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 127 CHAPTER 127

AN ACT TO AMEND THE BANKING LAW WITH REGARD TO THE LIMITATIONS OF LOANS OF COMMERCIAL AND INDUSTRIAL BANKS, AND PROVIDING FOR THE SALE OF TRUST ASSETS FROM ONE TRUST TO ANOTHER BY THE SAME TRUSTEE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section fifty-three - forty-eight of the General Statutes of North Carolina be, and the same hereby is, amended by adding after the comma following the phrase "purchase of any notes," the following: "the making of any loans,". Amending banking law.

SEC. 2. That Section fifty-three - one hundred and forty-three of the General Statutes of North Carolina be amended by rewriting the same so as to read as follows:

SEC. 53-143. Investments; securities; loans; limitations. The provisions of Sections fifty-three - forty-six, fifty-three - forty-eight and fifty-three - forty-nine, with reference to the limitations of investments in securities, limitations of loans and suspension of investment and loan limitations, shall be applicable to industrial banks. Industrial banks.

SEC. 3. That Section thirty-six - twenty-nine of the General

Statutes of North Carolina be amended by rewriting the same so as to read as follows:

Same trustee trading with self.

SEC. 36-29. Trustee selling from one trust to another trust. No trustee shall as trustee of one trust sell property to itself as trustee of another trust: *Provided,* assets of trust held by any bank or trust company under the supervision of the State Banking Commission may be sold or transferred from one trust to another trust if such transfer is expressly authorized by the instrument creating the trust from which the transfer is made, or if such transfer is approved by the board of directors by unanimous vote at a regular meeting, such action being recorded in the minutes.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 129 CHAPTER 128

AN ACT TO REQUIRE THE SURETIES ON OFFICIAL BONDS IN GRAHAM COUNTY TO BE SURETY, INDEMNITY, OR GUARANTY COMPANIES AUTHORIZED TO DO BUSINESS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporate sureties on official bonds required in Clay and Graham Counties.

SECTION 1. The Board of County Commissioners in Graham and Clay Counties shall in no case accept personal sureties as securities for official bonds of county officials required by law to give or furnish bond in Graham and Clay Counties. No official bond shall be accepted or approved by the Board of County Commissioners in Graham and Clay Counties unless such bond is secured in a sufficient amount by the bond of a reputable and solvent surety, indemnity or guaranty company authorized to do business in North Carolina.

Payment of premiums on official bonds in said Counties.

SEC. 2. The premiums for all official bonds in Graham and Clay Counties may be paid by the officers required to furnish such bonds or the county commissioners in their discretion may pay such premiums: *Provided,* that any county official required to give an official bond may, in lieu of furnishing bonds with sureties, as hereinbefore provided, deposit with the board of county commissioners the amount of said bond in cash, United States Bonds or Bonds of the State of North Carolina.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 141 CHAPTER 129

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, AS AMENDED, SO AS TO CHANGE THE AMOUNT CHARGED BY THE CITY FOR CONNECTIONS WITH THE CITY SEWER OR PIPE LEADING INTO THE CITY SEWER.

The General Assembly of North Carolina do enact:

Charges for connections with city sewers.

SECTION 1. Chapter three hundred and thirty-two of the Private Laws of one thousand nine hundred and thirteen, as amended, is hereby amended by striking out the period following the words "two dollars and fifty cents" at the end of Section twenty-three, and inserting the following: for any business property and not less than fifty cents for each private residence.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 155 CHAPTER 130

AN ACT TO RESTRICT THE LICENSING OF CARNIVALS WITHIN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Restricting carnivals to only one day in Caldwell County.

SECTION 1. No person, firm, or corporation shall apply for or obtain from the governing body, or the representative of such governing body, or any county, or incorporated city or town, any license or permit to exhibit, show, or operate any carnival within Caldwell County for a continuous operation or exhibition of over one day's time.

It is the purpose and intent of this Act that carnivals shall not operate in Caldwell County over one day at a time, and upon the completion of one day's showing shall remove its equipment and shows from said county.

Cannot operate within 1000 feet of any residence.

SEC. 2. No carnival shall be licensed or permitted to locate for the purposes of putting on any exhibition or shows within one thousand (1,000) feet of any residence in Caldwell County.

Does not apply to certain operations.

SEC. 3. This Act shall not apply to riding devices operating independent of any carnival, nor to circuses making one day stands only.

Violation is misdemeanor.

SEC. 4. Any person violating any provision of this Act shall be guilty of a misdemeanor and punished in the discretion of the court.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 170 CHAPTER 131

AN ACT TO REPEAL CHAPTER TWENTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, FIXING FEES FOR GUILFORD COUNTY STANDARD KEEPER.

The General Assembly of North Carolina do enact:

Fees for Standard Keeper in Guilford County.

SECTION 1. That Chapter twenty-six of the Public-Local Laws of one thousand nine hundred and twenty-seven of the State of North Carolina be and the same is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 173 CHAPTER 132

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTY-THREE - EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO ALLOW MEETINGS OF BOARDS OF COUNTY COMMISSIONERS WHICH FALL ON HOLIDAYS TO BE POSTPONED TO THE NEXT SUCCEEDING SECULAR OR BUSINESS DAY.

The General Assembly of North Carolina do enact:

Amending laws regarding meetings of County Commissioners.

SECTION 1. That Section one hundred and fifty-three - eight of the General Statutes of North Carolina be, and the same is, hereby amended by adding in the end thereof, after the words "temporary chairman," the following: *Provided,* that whenever the day set for the holding of any meeting of a board of county commissioners falls on a holiday, such meeting may be held on the next succeeding secular or business day.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February,1945.

H. B. 179 CHAPTER 133

AN ACT RELATING TO FORECLOSURE OF TAXES BY THE COUNTY OF GUILFORD AND TO THE FORECLOSURE OF SPECIAL ASSESSMENTS AND TAXES BY THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Tax and certain other foreclosures in Guilford County and High Point.

SECTION 1. That all tax foreclosures by the County of Guilford involving taxes due said county, and all special assessments foreclosures and tax foreclosures involving assessments or taxes due the city of High Point, together with all deeds issued pursuant to such foreclosures be, and the same are hereby, validated: *Provided, however,* that nothing herein shall be construed to deprive any taxing unit of its lien on any property for unpaid taxes, or any right which any taxing unit might otherwise have.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflicct with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 184 CHAPTER 134

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FIFTY-THREE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE WITH REFERENCE TO THE FRANCHISE TAX OF THE ATLANTIC AND NORTH CAROLINA RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Amending 1943 Act.

SECTION 1. That for the purpose of correcting an error in Chapter four hundred and fifty-three of the Session Laws of one thousand nine hundred and forty-three, Section one of said Act is hereby amended by striking out the words "for the year one thousand nine hundred and thirty-nine" and substituting therefor the words, "for the year one thousand nine hundred and forty."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 192 CHAPTER 135

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY-ONE - THIRTY-ONE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO COUNTY TUBERCULOSIS HOSPITALS.

The General Assembly of North Carolina do enact:

Relating to County Tuberculosis Hospitals.

SECTION 1. That Section one hundred and thirty-one - thirty-one of the General Statutes of North Carolina is hereby amended by adding at the end of said section a new paragraph to read as follows:

In Guilford County a county commissioner who is elected a member of the board of managers shall not automatically become chairman of said board of managers as provided in the first sentence of this section. The board of managers shall elect from its membership a chairman who shall serve for a term of two years and such chairman may be the member of said board elected from the membership of the board of county commissioners.

Applies only to Guilford County.

SEC. 2. That this Act shall apply only to Guilford County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 210 CHAPTER 136

AN ACT TO AMEND SECTION SIXTY-SEVEN - THIRTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO ADD GASTON COUNTY TO THOSE COUNTIES EXEMPT FROM THE PROVISO RELATING TO COMPENSATION FOR DAMAGE CAUSED BY DOGS.

The General Assembly of North Carolina do enact:

Relating to Gaston County.

SEC. 1. Section sixty-seven - thirteen of the General Statutes of North Carolina is hereby amended by inserting the word, "Gaston," to immediately follow the word, "Durham," in line twenty-five.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflicct with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 215 CHAPTER 137

AN ACT TO AMEND CHAPTER NINETY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, AS AMENDED BY CHAPTER SIX HUNDRED AND ONE OF THE SESSION LAWS OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED AND FORTY-THREE, RELATING TO THE POWERS OF THE GREENSBORO-HIGH POINT AIRPORT AUTHORITY.

The General Assembly of North Carolina do enact:

Amending laws relating to Greensboro-High Point Airport Authority.

SECTION 1. That Chapter ninety-eight of the Public-Local Laws of one thousand nine hundred and forty-one, as amended by Chapter six hundred and one of the Session Laws of North Carolina, one thousand nine hundred and forty-three, be, and the same is hereby amended by inserting immediately after Paragraph eight of Section four the following:

(9) To invest or reinvest, subject to the approval of the Local Government Commission, any of its funds in either bonds, notes or certificates of indebtedness of the United States of America, or in bonds or notes of any agency or instrumentality of the

United States of America, the payment of principal and interest of which is guaranteed by the United States of America, or in bonds or notes of the State of North Carolina, or in bonds of any county, city or town of North Carolina, which have been approved by the Local Government Commission.

(10) To purchase any of its outstanding bonds or notes.

(11) To operate, own, lease, control, regulate or grant to others the right to operate on any airport premises, restaurants, agricultural fairs, tracks, motion pictures shows, and other amusements.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 252 CHAPTER 138

AN ACT TO AMEND SECTION SIXTY-SEVEN - THIRTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA SO FAR AS SAME MAY RELATE TO GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Payment of damages done by dogs in Guilford County.

SECTION 1. That Section sixty-seven - thirteen be amended by adding at the end thereof the following: *Provided further* that in Guilford County, instead of the method contained in this section for the determining and payment of damage done by dogs, said damage shall be determined and paid as follows:

(a) The damage shall be reported to the sheriff of said county as early as practicable and not later than five days after said damage shall have been received.

(b) That upon receipt of a complaint from a taxpayer of Guilford County that his property in Guilford County has been damaged or destroyed by dogs, other than his own, the sheriff of said county shall at once direct two of his deputies to investigate the complaint.

Same.

(c) Said deputies shall, as soon as practicable, make investigation of the complaint and damage, and make a written report to the Commissioners of Guilford County upon forms furnished by said commissioners, which said report shall show whether the damage was done by dogs other than dogs of the owner; the amount of the damage; whether the property was owned by the

taxpayer at the last tax listing period; and whether same was listed for taxes.

(d) The report of the said deputies shall be delivered to the County Manager of Guilford County and a copy delivered as soon thereafter as practicable to the taxpayer, and if either the commissioners or taxpayer are dissatisfied with the said report, they may make and file objections with the county manager, at the next meeting of the county commissioners held at least ten days after the delivery of the report and the copy as aforesaid, or at any time prior thereto. If no objection is made and filed within the time above prescribed, the report of the deputies shall be conclusive upon all parties interested. Same.

(e) In case objections are filed as above provided, the report of the said deputies shall be of no force and effect, and the county commissioners shall appoint three disinterested freeholders, who shall, as soon as practicable make an investigation de novo, and make a written report to the county commissioners on forms furnished by said county commissioners, and deliver said report to the county manager and a copy thereof to the taxpayer, and this report shall be conclusive upon all interested parties. Same.

(f) If it shall appear from a conclusive report as herein provided that the property was properly listed by the owner at the last tax listing period, and the damage was done by dogs other than those of the owner, then the Commissioners of Guilford County shall certify the amount of the damage to the Board of Education of Guilford County and said board of education shall order same paid from the taxes derived from payment of taxes on dogs in Guilford County. Same.

(g) That no damage shall be paid unless said property was listed for taxes at last tax listing period if owned at that time and unless the other provisions of this Act are complied with.

SEC. 2. That the Commissioners of Guilford County shall cause to be published in two newspapers in said county a copy of this Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 14th day of February, 1945.

S. B. 83 **CHAPTER 139**

AN ACT TO AMEND SECTION ONE - ONE HUNDRED AND FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO PERSONAL SERVICE ON A NON-RESIDENT.

The General Assembly of North Carolina do enact:

Amending laws regarding service of summons on nonresidents.

SECTION 1. Amend Section one - one hundred and four of the General Statutes of North Carolina by striking out the comma appearing immediately after the word "affidavit" in the fourth line of said section, and inserting in lieu thereof immediately after the said word "affidavit" in said fourth line of said section the following: "or in a verified complaint."

SEC. 2. Further amend said Section one - one hundred and four of the General Statutes of North Carolina by adding a proviso at the end of said section, which said proviso shall read as follows: *Provided,* that in all cases where service of process has been made upon a non-resident based upon a verified complaint in conformity with the amendment set forth in this Act, that all such service of process is hereby declared to be lawful, legal and valid, and all orders, judgments and decrees based thereon are declared to be legal and valid and binding upon all of the parties thereto, and all proceedings based upon the same are hereby validated, except that this proviso shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 28 **CHAPTER 140**

AN ACT TO AMEND SECTION THIRTY-ONE - FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE FOR THE REVOKING OF WILLS OF MARRIED PERSONS BY DIVORCE OF THE PARTIES.

The General Assembly of North Carolina do enact:

Effect of divorce on will of divorced person.

SECTION 1. That Section thirty-one - five of the General Statutes of North Carolina is hereby amended by changing the period at the end thereof to a colon and adding thereto the following:

Provided, that where a married person makes a will or testament devising or bequeathing property to his or her spouse, a subsequent absolute divorce of the parties shall operate as a revocation of that portion of the will or testament which devises or bequeaths property to the spouse of the testator or testatrix and the property described in such portion of the will shall pass under an appropriate residuary clause, if any, of the will. If there is no appropriate residuary clause, such property shall descend or be distributed as if the testator or testatrix had died intestate.

Does not apply to certain cases.

SEC. 2. This Act shall not apply to pending litigation or to any will which has been probated prior to the date of its ratification.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 79 CHAPTER 141

AN ACT RELATING TO THE CHANGE OF VENUE IN DIVORCE PROCEEDINGS BY AMENDING SECTION ONE-EIGHT-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Changing venue in divorce suits

SECTION 1. Section one - eighty-three of the General Statutes of North Carolina is hereby amended by adding a new subsection to read, Subsection four.

(4) When motion is made by the plaintiff and the action is for divorce and the defendant has not been personally served with summons.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 134 CHAPTER 142

AN ACT TO AMEND SECTION SEVEN - SIXTY-FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE JURISDICTION OF THE RESIDENT JUDGE OF A JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Jurisdiction of Resident Judge.

SECTION 1. Amend Section seven - sixty-five of the General Statutes of North Carolina by striking out the period appearing immediately after the word "term" as same appears in the last line of said section, and by inserting in lieu of said period a colon, and immediately after said colon the following: *Provided,* that in all matters and proceedings not requiring the intervention of a jury or in which trial by jury has been waived, the resident judge of the judicial district shall have concurrent jurisdiction with the judge holding the courts of the district and the resident judge in the exercise of such concurrent jurisdiction may hear and pass upon such matters and proceedings in vacation, out of term or in term time: *Provided, further,* that all matters and proceedings heretofore passed upon by the resident judge of the judicial district according to and in conformity with the proviso first above set forth, prior to the date of the ratification of this Act, are hereby validated and declared to be in full force and effect, and all decisions, orders, decrees and judgments of whatsoever nature and kind heretofore entered and signed by the resident judge of the judicial district prior to the date of the ratification of this Act and according to and in conformity with the proviso first above set forth, are hereby validated and declared to be lawful, in full force and effect and binding upon the parties thereto, except that nothing herein contained shall be construed as applicable to or in any manner affecting pending litigation.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

H. B. 178 CHAPTER 143

AN ACT RELATING TO THE TERMS OF COURT IN CASWELL COUNTY BY AMENDING SECTION SEVEN - SEVENTY OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. Section seven - seventy of the General Statutes

of North Carolina is hereby amended by striking out the paragraph therein beginning with the word, "Caswell" and ending with the word, "cases," under the heading Twenty-first District, and substituting in lieu thereof the following:

Terms of Superior Court in Caswell County.

Caswell - second Monday after the first Monday in March to continue for two weeks for the trial of criminal and civil cases; ninth Monday before the first Monday in September to continue for one week for the trial of both criminal and civil cases; tenth Monday after the first Monday in September to continue for two weeks for the trial of both criminal and civil cases.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, 1945.

S. B. 41 **CHAPTER 144**

AN ACT TO ALLOW THE STATE, COUNTIES, CITIES, TOWNS AND OTHER SUBDIVISIONS TO PURCHASE APPARATUS, SUPPLIES, MATERIALS AND EQUIPMENT FROM THE FEDERAL GOVERNMENT WITHOUT COMPLYING WITH THE PROVISIONS OF SECTION ONE HUNDRED AND FORTY-THREE - ONE HUNDRED AND TWENTY-NINE OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Relating to the purchases from Federal Government by State, Counties, etc.

SECTION 1. That Section one hundred and forty-three - one hundred and twenty-nine of the General Statutes of North Carolina is hereby amended by adding thereto the following: Any board or governing body of the State or of any institution of the State government or of any county, city, town or other subdivision of the State may enter into any contract with the United States of America or any agency thereof for the purchase, lease or other acquisition of any apparatus, supplies, materials or equipment without regard to the provisions of this section which require:

(1) The posting of notices or public advertising for proposals or bids.

(2) The inviting or receiving of competitive bids.

(3) The delivery of purchases before payment.

(4) The posting of deposits or bonds or other sureties.

(5) The execution of written contracts.

Procedure.

The Director of the Division of Purchase and Contract, the governing board of any county, city, town or subdivision may designate any office holder or employee of the State, county, city, town or subdivision to enter a bid or bids in its behalf at any sale of apparatus, supplies, materials, equipment or other property owned by the United States of America, or any agency thereof, and may authorize such person to make any partial or down payment or payment in full that may be required by regulations of the United States of America or any agency thereof in connection with such bid or bids.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

S. B. 102 CHAPTER 145

AN ACT TO AMEND SECTION ONE HUNDRED AND FORTY-THREE - FIFTY-NINE OF GENERAL STATUTES TO ENABLE THE DIVISION OF PURCHASE AND CONTRACT TO TAKE ADVANTAGE OF THE SALE OF WAR SURPLUS MATERIAL.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and forty-three - fifty-nine of General Statutes be amended by adding a new subsection at the end thereof to read as follows:

Relating to purchases from the Federal Government.

(f) Notwithstanding any of the provisions of this article, the Director of Purchase and Contract, with the approval of the Advisory Budget Commission, may follow whatever procedure is deemed necessary to enable the State, its institutions and agencies, to take advantage of the sale of any war surplus material sold by the Federal Government or its disposal agencies.

SEC. 2. This Act shall be in force from and after its ratification.

Ratified this the 15th day of February, 1945.

S. B. 202 **CHAPTER 146**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF IREDELL COUNTY TO EMPLOY A SERVICE OFFICER TO AID ACTIVE AND DISCHARGED MEMBERS OF THE UNITED STATES ARMED SERVICES AND THE MEMBERS OF THEIR FAMILIES IN PRESENTING CLAIMS FOR BENEFITS.

The General Assembly of North Carolina do enact:

Employment of a Service Officer in Iredell County.

SECTION 1. The Board of County Commissioners of Iredell County is hereby authorized and empowered to employ a service officer and pay him such salary as the board may consider just and fair and to furnish him the necessary office space, assistants, supplies, and equipment to enable him to efficiently perform the duties of his employment.

Duties and powers of said Service Officer.

SEC. 2. The County Commissioners of Iredell County are hereby authorized and empowered to make and promulgate all rules and regulations governing the duties of said service officer and assistants and the operation of the office herein provided for as they may deem necessary to cooperate with the State and federal governments in all matters relating to benefits for active and discharged members of the United States Armed Services and their families.

Same.

SEC. 3. The service officer herein authorized shall perform such duties as may be outlined by the board of county commissioners as will assist active and discharged members of the United States Armed Services and members of their families in presenting their rights and claims to the several federal and State agencies set up for the purpose of administering benefits to such active and discharged members of the United States Armed Services and their families.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

H. B. 154 **CHAPTER 147**

AN ACT RELATING TO THE SALARY OF THE REGISTER OF DEEDS OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Salary of Register of Deeds of Caldwell County.

SECTION 1. The salary of the Register of Deeds of Caldwell County is hereby fixed at two thousand and four hundred dol-

lars, ($2,400.00) per year to be paid in equal monthly installments.

Effective December 1, 1944.

SEC. 2. The salary of the register of deeds herein fixed shall be effective as of December first, one thousand nine hundred and forty-four.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after ratification.

Ratified this the 15th day of February, 1945.

H. B. 180 CHAPTER 148

AN ACT TO REQUIRE ALL JUSTICES OF THE PEACE NOW HOLDING OFFICE IN CRAVEN COUNTY, AND ALL JUSTICES OF THE PEACE WHO MAY HEREAFTER HOLD OFFICE IN SAID COUNTY, TO FURNISH A SURETY BOND CONDITIONED UPON THE FAITHFUL PERFORMANCE OF THEIR DUTIES AND ACCOUNTING FOR ALL FINES, PENALTIES, FORFEITURES OR OTHER MONEYS FOR WHICH THEY ARE REQUIRED BY LAW TO RENDER AN ACCOUNTING.

The General Assembly of North Carolina do enact:

Justices of Peace in Craven County must furnish bond.

SECTION 1. That all justices of the peace now holding office in Craven County, and all justices of the peace who may hereafter hold such office in said county, be, and they are hereby, required to file with the clerk of the superior court of said county, subject to the approval of said clerk, a bond secured in a sufficient amount by the bond of a reputable and solvent surety, indemnity or guaranty company authorized to do business in North Carolina.

Provisions of said bond.

SEC. 2. The said surety bond shall contain conditions or requirements that it shall be responsible for the faithful performance of all the duties required to be performed by a justice of the peace; for the faithful and prompt accounting and paying over to the proper officials of all fines, forfeitures, penalties and other funds or moneys required to be accounted for and paid over by a justice of the peace and for the rendering of all accounts and reports to the proper officials as required by law in cases of justices of the peace; for the faithful performance of any and all other duties of a justice of the peace as required by the General Statutes of North Carolina.

SEC. 3. That said bond so secured by a solvent surety, indemnity or guaranty company authorized to do business in North Carolina shall be at least in the sum of two hundred and fifty dollars ($250.00) or such other sum in excess of two hundred and fifty dollars ($250.00) as the Clerk of the Superior Court of Craven County may deem applicable to the circumstances of each particular justice of the peace in said county. The premiums for all such bonds described in this Act shall be paid by the justices of the peace required to furnish same.

Said bond must have corporate surety. $250.00 to be minimum. Premium must be paid by Justice of Peace.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

H. B. 196 CHAPTER 149

AN ACT RELATING TO ACKNOWLEDGMENTS AND PRIVY EXAMINATIONS BY CERTAIN NOTARIES PUBLIC.

The General Assembly of North Carolina do enact:

SECTION 1. That in every case where deeds or other instruments have been acknowledged, and where privy examination of wives had, before a notary public, when the notary public at the time was also holding some other office, and the deed or other instrument has been otherwise duly probated and recorded, such acknowledgment taken by, and such privy examination had before such notary public is hereby declared to be sufficient and valid.

Acknowledgments and examinations of certain notaries validated.

SEC. 2. *Provided,* however, that this Act shall not affect pending litigation.

Not apply to pending litigation.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

H. B. 198 CHAPTER 150

AN ACT TO AMEND SECTION SEVEN - ONE HUNDRED AND THIRTY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO ADD THE COUNTY OF YADKIN TO THOSE COUNTIES COVERED BY THE SECOND PARAGRAPH THEREOF.

The General Assembly of North Carolina do enact:

Relating to Yadkin County

SECTION 1. Section seven - one hundred and thirty-four of the General Statutes of North Carolina is hereby amended by adding the word "Yadkin," to immediately follow the word "Cumberland" in line fourteen of the second paragraph.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

H. B. 202 CHAPTER 151

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTY-THREE - ONE HUNDRED AND FIFTY-TWO OF THE GENERAL STATUTES OF NORTH CAROLINA TO AUTHORIZE CHOWAN COUNTY TO CONTRACT WITH HOSPITALS FOR THE CARE OF THE SICK AND AFFLICTED POOR.

The General Assembly of North Carolina do enact:

Authorizing Chowan County to contract with Hospitals for care poor.

SECTION 1. That Section one hundred and fifty-three - one hundred and fifty-two of the General Statutes of North Carolina is hereby amended by striking out the word "Chowan" in the third from the last line of said section, it being the intent and purpose of this Act to authorize Chowan County to contract with the public or private hospitals or institutions to provide for the medical treatment and hospitalization of the sick and afflicted poor of said county.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

H. B. 205 CHAPTER 152

AN ACT TO AMEND SECTION TWENTY-EIGHT - SIXTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED, SO THAT THE ACT IN ITS ENTIRETY SHALL APPLY TO MADISON COUNTY.

The General Assembly of North Carolina do enact:

Madison County.

SECTION 1. That Section twenty-eight - sixty-eight of the General Statutes of North Carolina, as amended, is hereby further amended so as to apply in its entirety to Madison County, and the word, "Madison," shall be inserted in its appropriate place in the list of counties appearing in said Section twenty-six - sixty-eight.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

H. B. 208 CHAPTER 153

AN ACT TO PROVIDE FOR SPECIAL JUDGES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Authorizing Governor to appoint four Special Judges, two from East and two from West.

SECTION 1. That the Governor of North Carolina may appoint four persons who shall possess the requirements and qualifications of special judges as prescribed by Article IV, Section eleven, of the Constitution, and who shall take the same oath of office and otherwise be subject to the same requirements and disabilities as are or may be prescribed by law for judges of the superior court, save the requirements of residence in a particular district, to be special judges of the Superior Court of the State of North Carolina. Two of the said judges shall be appointed from the Western Judicial Division and two from the Eastern Judicial Division, as now established. The Governor shall issue a commission to each of said judges so appointed whose term of office shall begin from his appointment and qualification and end June thirtieth, one thousand nine hundred and forty-seven, and the said commission shall constitute his authority to perform the duties of the office of a special judge of the superior court during the time named herein.

Term of said Judges to end June 30, 1947.

Special Judges can be removed in same manner as regular judges.

SEC. 2. That each special judge so appointed by the Governor shall be subject to removal from office for the same causes and in the same manner as regular judges of the superior court; and vacancies occurring in the offices created by this Act shall be

filled by the Governor in like manner for the unexpired term thereof.

Authorizing Governor to appoint additional judges up to four, two from East and two from West, if he deems same necessary.

SEC. 3. That the Governor is further authorized and empowered, if in his judgment the necessity exists therefor, to appoint at such time as he may determine, not exceeding four additional judges, two of whom shall be residents of the Eastern Judicial Division and two of whom shall be residents of the Western Judicial Division, whose terms of office shall begin from his or their appointment and qualification and end June thirtieth, one thousand nine hundred and forty-seven. That all of the provisions of this Act applicable to the four special judges shall be applicable to the four special judges authorized to be appointed under this section.

Term of said additional judges to end June 30, 1947.

Authority of Special Judges.

SEC. 4. That the authority herein conferred upon the Governor, pursuant to Article IV, Section eleven, of the Constitution of North Carolina, to appoint such special judges shall extend to regular as well as special terms of the superior court, with either civil or criminal jurisdiction, or both, as may be designated by the statutes or by the Governor pursuant to law.

Special Judges have same powers as regular judges in Courts they are assigned to hold and same powers in the county and judicial district.

SEC. 5. To the end that such special judges shall have the fullest power and authority sanctioned by Article IV, Section eleven, of the Constitution of North Carolina, such judges are hereby vested, in the courts which they are duly appointed to hold, with the same power and authority in all matters whatsoever that regular judges holding the same courts would have. A special judge duly assigned to hold the court of a particular county shall have during said term of court, in open court and in chambers, the same power and authority of a regular judge in all matters whatsoever arising in that judicial district that could properly be heard or determined by a regular judge holding the same term of court.

Salary and allowances of Special Judges to be same as regular judges and they shall not engage in private practice of law.

SEC. 6. That the special judges so appointed shall receive the same salary and traveling expenses as now are, or may be, paid or allowed to judges of the superior court for holding their regularly assigned courts, and they shall hold all such regular and special terms of court as they may be directed and assigned by the Governor to hold, without additional compensation: *Provided*, that no person appointed under this Act shall engage in the private practice of law.

Special Judges to have power to settle cases on appeal and make other orders in cases they hear.

SEC. 7. That the special judges herein provided for are hereby fully authorized and empowered to settle cases on appeal and to make all proper orders in regard thereto after the time for which they were commissioned has expired.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws which may be in conflict with this Act, to the extent of such conflict, are hereby repealed: *Provided*, that nothing herein shall in any manner

affect Sections seven - fifty and seven - fifty-one of the General Statutes of North Carolina.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

H. B. 233 CHAPTER 154

AN ACT TO AMEND SECTION ONE - TWO HUNDRED AND FORTY-SIX OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE ASSIGNMENT OF JUDGMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one - two hundred and forty-six of the General Statutes of North Carolina is hereby amended by changing the period at the end thereto to a colon and by adding thereto the following:

Amending laws relating to assignment of judgments.

Provided, that when an assignment of judgment is duly executed by the owner or owners of the judgment and recorded in the office of the clerk of the superior court of the county in which the judgment is docketed and a specific reference thereto is made on the margin of the judgment docket opposite the judgment to be assigned, it shall operate as a complete and valid transfer and assignment of the judgment.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

H. B. 248 CHAPTER 155

AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE BIRTH CERTIFICATE OF A CHILD WHOSE NAME IS CHANGED IN AN ADOPTION PROCEEDING.

The General Assembly of North Carolina do enact:

SECTION 1. Section forty-eight - seven of the General Statutes of North Carolina is hereby amended to read as follows:

In adoption proceedings, name of child can be changed.

SEC. 48-7. Change of name; new certificate; copy to register of deeds. For proper cause shown the court may decree that the name of the child shall be changed to such name as may be prayed in the petition. When the name of any child is so changed, the court shall immediately report such change to the Bureau of Vital Statistics of the State Board of Health. Upon receipt of the report, the State Registrar of the Bureau of Vital Statistics shall prepare a new birth certificate for the child named in the report, which shall contain the following information: name of child, sex, color, date of birth, name of adoptive father, maiden name of adoptive mother, and such other pertinent information as may be determined by the State Board of Health. No reference shall be made on the new certificate to the adoption of the child, nor shall the adopting parents be referred to as foster parents. The State Registrar shall place the original certificate of birth and all papers in his hand pertaining to the adoption under seal which shall not be broken except by order of a court of competent jurisdiction. Thereafter, when a certified copy of the certificate of birth of such person is issued, it shall be a copy of the new birth certificate, except when an order of court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth. The State Registrar shall forward a copy of the new birth certificate to the register of deeds of the North Carolina county where the proceeding for adoption was instituted.

Procedure for obtaining new birth certificate for adopted child.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

Ratified this the 15th day of February, 1945.

H. B. 302 CHAPTER 156

AN ACT TO PROVIDE FOR AN ASSISTANT CLERK OF THE SUPERIOR COURT AND A DEPUTY REGISTER OF DEEDS IN BURKE COUNTY

The General Assembly of North Carolina do enact:

Appointment of Assistant Clerk of Superior Court in Burke County and salary of same.

SECTION 1. That the Clerk of the Superior Court of Burke County is hereby authorized and empowered to employ an assistant clerk of the superior court. Said assistant clerk shall receive such salary as the board of county commissioners, in their discretion, may determine, not to exceed one hundred and twenty-five dollars ($125.00) per month, to be paid from county funds.

SEC. 2. That the Register of Deeds of Burke County is hereby authorized and empowered to employ a deputy register of deeds. Said deputy register of deeds shall receive such salary as the board of county commissioners, in their discretion, may determine, not to exceed one hundred dollars ($100.00) per month, to be paid from county funds.

Appointment of Deputy Register of Deeds in Burke County and salary of same.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

H. B. 59 CHAPTER 157

AN ACT CREATING THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter one hundred and sixty-four of the General Statutes of North Carolina is hereby amended by inserting as the title of Sections one hundred and sixty-four - one to one hundred and sixty-four - nine, inclusive, the following, "Art. I. The General Statutes," and by adding a new article as follows:

ART. II. The General Statutes Commission.

SEC. 164-12. Creation; Name. There is hereby created and established a commission to be known as The General Statutes Commission.

Creation of the General Statutes Commission.

SEC. 164-13. Duties. It shall be the duty of the commission—

Duties of said Commission include—

(a) To advise and cooperate with the division of legislative drafting and codification of statutes of the department of justice in the work of continuous statute research and correction for which the division is made responsible by Section one hundred and fourteen - nine (c) of the General Statutes.

Cooperation with Division of Legislative Drafting and Codification of Statutes of Department of Justice.

(b) To advise and cooperate with the division of legislative drafting and codification of statutes in the preparation and issuance by the division of supplements to the General Statutes pursuant to Section one hundred and fourteen - nine (b) of the General Statutes.

Cooperation in issuance of Supplements to General Statutes.

(c) To make a continuing study of all matters involved in the preparation and publication of modern codes of law.

Study in preparing modern codes of law.

SEC. 164-14. Membership; Appointments; Term; Vacancies; Report of Appointments.

Nine members.

(a) The commission shall consist of nine members, who shall be appointed as follows:

State Bar appoints one member.

(1) One member, by the President of the North Carolina State Bar with the approval of the council thereof.

Bar Association appoints one member.

(2) One member, by the President of the North Carolina Bar Association.

University Law School appoints one member.

(3) One member, by the Dean of the School of Law of the University of North Carolina.

Duke Law School appoints one member.

(4) One member, by the Dean of the School of Law of Duke University.

Wake Forest appoints one member.

(5) One member, by the Dean of the School of Law of Wake Forest College.

Speaker of House appoints one member.

(6) One member, by the Speaker of the House of Representatives of each General Assembly from the membership of the House.

President of Senate appoints one member.

(7) One member, by the President of the Senate of each General Assembly from the membership of the Senate.

Governor appoints two member.

(8) Two members, by the Governor.

Terms of original members.

(b) Appointments of original members of the commission made by the President of the North Carolina State Bar, the President of the North Carolina Bar Association, and the Deans of the Schools of Law of Duke University, the University of North Carolina, and Wake Forest College shall be for one year. Appointments of original members of the commission made by the Speaker of the House of Representatives, the President of the Senate, and the Governor shall be for two years.

Terms of succeeding members.

(c) After the appointment of the original members of the commission, appointments by the President of the North Carolina State Bar, the President of the North Carolina Bar Association, and the Deans of the Schools of Law of Duke University, the University of North Carolina, and Wake Forest College shall be made in the even numbered years, and appointments made by the Speaker of the House of Representatives, the President of the Senate, and the Governor shall be made in the odd numbered years. Such appointments shall be made for two-year terms beginning June first of the year when such appointments are to become effective and expiring May thirty-first two years thereafter. All such appointments shall be made not later than May thirty-first of the year when such appointments are to become effective.

Filling vacancies.

(d) If any appointment provided for by this Act is not made prior to June first of the year when it should become effective, a vacancy shall exist with respect thereto, and the vacancy shall

then be filled by appointment of the Governor. If any member of the commission dies or resigns during the term of office for which he was appointed, his successor for the unexpired term shall be appointed by the person who made the original appointment, as provided in Section one hundred and sixty-four - fourteen, or by the successor of such person; and if such vacancy is not filled within thirty days after the vacancy occurs, it shall then be filled by appointment of the Governor.

(e) All appointments shall be reported to the secretary of the commission.

Meetings of Commission and quorum of same.

SEC. 164-15. Meetings; Quorum. The commission shall hold not less than two regular meetings each year, of which one shall be held in June and one in November, at such times during those months as may be fixed therefor by the commission itself. The commission may hold such other regular meetings as it may provide for by its rules. Special meetings may be called by the chairman, or by any two members of the commission, upon such notice and in such manner as may be fixed therefor by the rules of the commission. The regular June and November meetings of the commission shall be held in Raleigh, but the commission may provide for the holding of other meetings from time to time at any other place or places in the State. The first meeting of the commission shall be held in June one thousand nine hundred and forty-five upon the call of the Attorney General at such time and upon such notice as he may designate. A majority of the members of the board shall constitute a quorum.

Officers of Commission.

SEC. 164-16. Officers. At its regular June meeting in the odd numbered years the commission shall elect a chairman and a vice chairman for a term of two years and until their successors are elected and assume the duties of their positions. The director of the division of legislative drafting and codification of statutes shall be ex officio secretary of the commission.

Committees and rules of Commission.

SEC. 164-17. Committees; Rules. The commission may elect, or may authorize its chairman to appoint, such committees of the commission as it may deem proper. The commission may adopt such rules not inconsistent with this Act as it may deem proper with respect to any and all matters relating to the discharge of its duties under this Act.

Reports to General Assembly.

SEC. 164-18. Reports. The commission shall submit to each regular session of the General Assembly a report of its work during the preceding two years, together with such recommendations as it may deem proper.

Compensation and allowances.

SEC. 164-19. Compensation. Members of the commission shall be paid ten dollars a day for attendance upon meetings of the commission, or upon attendance of meetings of committees of

the commission, together with such subsistence and travel allowance as may be provided by law.

SEC. 2. This Act shall become effective upon its ratification.

Ratified this the 16th day of February, 1945.

H. B. 60 CHAPTER 158

AN ACT TO AMEND SECTION ONE - ONE HUNDRED OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO MAKE DEFINITE THE TIME SUMMONS IS DEEMED SERVED BY PUBLICATION.

The General Assembly of North Carolina do enact:

Amending laws relating to service of summons by publication and time for pleading.

SECTION 1. Section one - one hundred of the General Statutes of North Carolina is hereby amended by rewriting said section to read as follows:

SEC. 1-100. When servicce by publication complete; time for pleading. In the cases in which service by publication is allowed, the summons is deemed served at the expiration of seven days from the date of the last publication, and the party so served is then in court. Such party shall have twenty days thereafter in civil actions and ten days in special proceedings in which to answer or demur.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after June first, one thousand nine hundred and forty-five.

Ratified this the 16th day of February, 1945.

H. B. 62 CHAPTER 159

AN ACT TO AMEND SECTION ONE HUNDRED AND FORTY-SEVEN - SEVENTY-SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO MAKE IT CONFORM WITH SECTION ONE HUNDRED AND FORTY-SEVEN - SEVENTY-EIGHT.

The General Assembly of North Carolina do enact:

Amending Section 147-77 of General Statutes.

SECTION 1. Section one hundred and forty-seven - seventy-seven of the General Statutes of North Carolina is hereby amended by striking out the words, "or other designated depository" in lines eleven and twelve.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 63 CHAPTER 160

AN ACT TO AMEND SECTIONS TWO - FIFTY-TWO AND TWO - FIFTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO MAKE THE SECTIONS HARMONIZE.

The General Assembly of North Carolina do enact:

Amending laws relating to payment of insurance to minors and insane persons.

SECTION 1. Section two - fifty-two of the General Statutes of North Carolina is hereby amended by rewriting said section to read as follows:

If insurance does not exceed $500.00, payment can be made to public guardian or Clerk of Court.

SEC. 2-52. Payment of insurance to persons under disability. Where a minor, incompetent or insane person is named beneficiary in a policy or policies of insurance, and the insured dies prior to the majority of such minor, or prior to the restoration of competency or sanity of such incompetent or insane person, and the total proceeds of such policy or policies do not exceed five hundred dollars ($500.00), such proceeds may be paid to the public guardian or clerk of the superior court of the county where such beneficiary resides, to be administered by the public guardian or clerk for the benefit of such beneficiary, and the receipt of the public guardian or clerk shall be a full and complete discharge of the insurer issuing the policy or policies. Moneys so paid to the clerk or public guardian shall be held and disbursed in the manner and subject to the limitations provided by Section two - fifty-three.

Amending Section 2-53 General Statutes.

SEC. 2. Section two - fifty-three of the General Statutes of North Carolina is hereby amended as follows:

Conflicting laws repealed.

(a) Strike out the words "no one will become," between the word "whom," in the fourth line and the word "guardian," in the fifth line and insert in lieu thereof the words "there is no."

(b) Strike out the third and fourth sentences.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 64 **CHAPTER 161**

AN ACT TO AMEND SECTION TWO - FORTY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO REQUIRE EACH CLERK OF THE SUPERIOR COURT TO SEND A LIST OF THE JUSTICES OF THE PEACE IN HIS COUNTY TO THE SECRETARY OF STATE.

The General Assembly of North Carolina do enact:

SECTION 1. Section two - forty-four of the General Statutes of North Carolina is hereby amended by rewriting said section to read as follows:

Clerk of Superior Court to send list of Justices of Peace to Secretary of State.

SECTION 2-44. List of justices of the peace to be sent to Secretary of State. The clerk of the superior court of each county shall, on or before February first of each year, send to the Secretary of State a list of the qualified justices of the peace in his county as of January first of that year. The list shall include the following information with respect to each such justice of the peace:

1. The township for which he was elected or appointed.

2. The date of his election or appointment, and if appointed, by whom so appointed.

3. The term for which he was elected or appointed.

4. The date of his qualification.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 67 **CHAPTER 162**

AN ACT TO AMEND SECTION TWENTY-EIGHT - TWENTY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO CLARIFY THE POWERS OF AN ADMINISTRATOR CUM TESTAMENTO ANNEXO.

The General Assembly of North Carolina do enact:

SECTION 1. Section twenty-eight - twenty-four of the General Statutes of North Carolina is hereby amended by rewriting said section as follows:

Relating to Administrators cum testamento annexo.

SEC. 28-24. Administrator Cum Testamento Annexo must observe will. Whenever letters of administration with the will annexed are issued, the will must be observed and performed by such administrator, both with respect to real and personal property. Such administrator has all the rights and powers, discretionary or otherwise, unless a contrary intent clearly appears from the will, and is subject to the same duties, as if he had been named executor in the will.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 162 CHAPTER 163

AN ACT TO REVISE SECTION ONE - NINETY-FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Amending laws relating to tax foreclosure suits.

SECTION 1. Section one - ninety-five of the General Statutes of North Carolina is hereby amended by striking out all of the proviso after the word "summonses" in line nine thereof and inserting in lieu thereof the following: *Provided, however,* that in case of tax suits and special assessment foreclosure suits brought under the provisions of Section one hundred and five - three hundred and ninety-one and Section one hundred and five - four hundred and fourteen, as amended, an alias or pluries summons may be sued out at any time within two years after the issuance of the original summons, whether any intervening alias or pluries summons has heretofore been issued or not, and after the issuance of such alias or pluries summons, the chain of summonses may be kept up as in any other action.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 189 CHAPTER 164

AN ACT AMENDING SECTION SEVEN - SIXTY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO GIVE THE SUPERIOR COURT CONCURRENT JURISDICTION WITH THE RECORDER'S COURT IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Superior Court in Cumberland County to have concurrent jurisdiction with Recorder's Court.

SECTION 1. Section seven - sixty-four of the General Statutes of North Carolina is hereby amended by striking out in line four of the Proviso, the word "Cumberland."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 227 CHAPTER 165

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTY-THREE - THIRTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA AND CHAPTER SEVENTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER THREE HUNDRED AND TWENTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE COMPENSATION OF COUNTY COMMISSIONERS IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and fifty-three - thirteen of the General Statutes of North Carolina is hereby amended by adding at the end of the section, the following:

Fixing salary of County Commissioners in Cabarrus County.

The Chairman of the Board of County Commissioners of Cabarrus County shall be paid for his services one thousand and two hundred dollars ($1,200.00) per annum, and every other member of said board shall receive six hundred dollars ($600.00) per annum.

SEC. 2. That Chapter seventy-one of the Public-Local Laws of one thousand nine hundred and nineteen, and Chapter three hundred and twenty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine are hereby repealed.

Applies only to Cabarrus County.

SEC. 3. That this Act shall apply only to Cabarrus County.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 231 CHAPTER 166

AN ACT TO PROVIDE FOR THE TRANSFER OF CASES FROM THE RECORDER'S COURT OF CUMBERLAND COUNTY TO THE SUPERIOR COURT WHEN JURY TRIALS ARE REQUESTED.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter six hundred and sixty-seven of the Public-Local Laws of one thousand nine hundred and thirteen be amended by striking out all of section seven and substituting in lieu thereof, the following:

Providing for transfer, from Recorder's Court to Superior Court in Cumberland County, of cases in which jury trial is requested.

In all trials in the Recorder's Court of Cumberland County, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall, if there has been no preliminary examination, hear evidence, and if it shall appear to the recorder that no offense has been committed by any person or that there is no probable cause for charging the prisoner with an offense, he shall discharge such prisoner. If it shall appear that an offense has been committed and that there is probable cause to believe that the defendant is guilty, or if the defendant has had a previous preliminary examination and probable cause has been found, it shall be the duty of the recorder, upon demand for a jury by the defendant or the prosecuting attorney representing the State, to transfer said trial to the Superior Court of Cumberland County, and the defendant shall execute a new bond in such amount as named by the recorder for his appearance at the next term of the Superior Court in Cumberland County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 235 **CHAPTER 167**

AN ACT FIXING THE FEES OF JUSTICES OF THE PEACE AND PROCESS FEES OF SHERIFF AND CONSTABLES IN CRIMINAL CASES IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section seven - one hundred and thirty-four of the General Statutes is hereby amended by adding at the end thereof, the following:

Fixing certain fees in criminal cases in Courts of Justices of Peace in Franklin County.

The duly qualified and acting Justices of the Peace of Franklin County are authorized and empowered to include in their bills of cost in criminal cases, for their own use and benefit, the following fees:

Affidavit, each	$0.35
Warrant, each	1.00
Subpoenas, each	.15
Commitment, each	.50
Recognizance, each	.35
Judgment, contested, each	2.00
Judgment, not contested, each	.75
Order of Removal, each	.25
Capias and Order, each	1.00
Bond or undertaking, each	.60

SEC. 2. The Sheriff, Constable, and other process officers of Franklin County are hereby authorized and empowered to collect in criminal cases, for their own use and benefit, the following fees:

Arrest, each	$2.00
Subpoena, each	1.00
Capias, each	1.50

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 16th day of February, 1945.

H. B. 236 **CHAPTER 168**

AN ACT TO AUTHORIZE THE CREATION OF THE OFFICE OF TAX COLLECTOR FOR THE COUNTY OF CALDWELL.

The General Assembly of North Carolina do enact:

Commissioners of Caldwell County authorized to appoint Tax Collector and fix his salary.

SECTION 1. That the Board of Commissioners for the County of Caldwell is hereby authorized and empowered, in its discretion, to create the office of tax collector, and to appropriate money for its maintenance, and said board is also authorized to appoint a tax collector, whose salary and term of office shall be fixed by the said board.

Duties and powers of said Tax Collector.

SEC. 2. That the tax collector, herein provided for, shall be vested with the same power and authority, and subject to the same penalties and conditions as are now given by the State to sheriffs in the collection of taxes, licenses, fees, penalties, and other revenues; that in addition to the foregoing duties the said Board of Commissioners for the County of Caldwell is hereby authorized and empowered, in its discretion, to confer upon said tax collector the duty of collecting all delinquent taxes, fees, penalties, and other revenues that the sheriff may now have the power and authority to collect.

Commissioners of said County authorized to appoint assistants for said Tax Collector.

SEC. 3. That the Board of Commissioners for the County of Caldwell is authorized and empowered, in its discretion, to appoint such assistants or clerks as shall be necessary to carry out the purposes of this Act, under such penalties and conditions as said board may deem necessary.

Upon appointment of said Tax Collector, Sheriff of said County relieved of tax collecting duties; and Tax Collector shall furnish bond.

SEC. 4. That upon the creation of the aforementioned office of tax collector, and the appointment of a tax collector, and upon said tax collector's duly qualifying and assuming the duties of said office, the Sheriff of Caldwell County shall thereupon be relieved from any and all duties devolving upon him in the collection of taxes, fees, licenses and other revenues, and in such event, the Board of Commissioners for the County of Caldwell shall require the tax collector to give a bond in such amount as it may consider necessary.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 237 CHAPTER 169

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO EMPLOYEES IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of Chapter one hundred and ninety of the Session Laws of one thousand nine hundred and forty-three is hereby amended by adding at the end of said section, the following:

Regarding personnel in office of Clerk of Superior Court of Caldwell County.

The board of county commissioners is authorized and empowered upon the request of the Clerk of the Superior Court of Caldwell County, to pay not more than one hundred dollars ($100.00) per month for an additional assistant or deputy clerk of the superior court, or other clerical or stenographic hire.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 246 CHAPTER 170

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO CLERK HIRE IN THE OFFICES OF CLERK OF SUPERIOR COURT AND REGISTER OF DEEDS OF DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Regarding personnel in offices of Clerk of Superior Court and Register of Deeds of Davie County.

SECTION 1. That Section one of Chapter three hundred and ninety of the Session Laws of one thousand nine hundred and forty-three be, and the same is hereby, amended by striking out the words and figures "fifty dollars ($50.00)" in the last sentence of said section, and inserting in lieu thereof the words and figures "eighty dollars ($80.00)."

Conflicting laws repealed.

SEC. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after March first, one thousand nine hundred and forty-five.

Ratified this 16th day of February, 1945.

H. B. 255 CHAPTER 171

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WAYNE COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED FOR THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Authorizing Commissioners of Wayne County to put into general fund taxes for 1940 and prior years.

SECTION 1. That the County Commissioners of Wayne County be, and they are hereby authorized and empowered in their discretion to turn into the general fund of the county the proceeds of all uncollected taxes later collected for the year one thousand nine hundred and forty, and all prior years.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act be, and the same are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 264 CHAPTER 172

AN ACT TO REPEAL CHAPTER FIVE HUNDRED AND EIGHTY-FIVE OF THE ONE THOUSAND NINE HUNDRED AND FORTY-THREE SESSION LAWS OF NORTH CAROLINA AND TO PROVIDE FOR THE AUTHORIZATION OF COMPENSATION FOR DEPUTY OR ASSISTANT CLERK HIRE RELATING TO SURRY COUNTY ONLY.

The General Assembly of North Carolina do enact:

Amending certain 1943 Act.

SECTION 1. That Section one of Chapter five hundred and eighty-five of the Session Laws of North Carolina of one thousand nine hundred and forty-three be, and the same is hereby, repealed.

Authorizing Commissioners of Surry County to appropriate funds to pay assistant or deputy to Clerk of Superior Court.

SEC. 2. That the Board of County Commissioners of Surry County, North Carolina is hereby authorized and empowered in its discretion to appropriate from the general fund of the county an amount not to exceed nine hundred and sixty dollars ($960.00) per annum to be paid to an assistant or Deputy Clerk of the Superior Court of Surry County, North Carolina, the amount so appropriated to be used and paid in the discretion of said commissioners to such assistant or deputy as the Clerk of the Superior Court of Surry County may name and designate.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 265 CHAPTER 173

AN ACT TO PROVIDE THAT THE SEVERAL TAX COLLECTORS OF SURRY COUNTY, NORTH CAROLINA, SHALL NOT BE CHARGED WITH INSOLVENT, UNCOLLECTED TAXES, AFTER SUCH TAXES HAVE BEEN UNCOLLECTED FOR A PERIOD OF FIVE YEARS.

The General Assembly of North Carolina do enact:

Tax Collectors of Surry County relieved of liability for insolvent taxes remaining uncollected for five years.

SECTION 1. That the several Tax Collectors of Surry County, North Carolina, are hereby relieved of the duty and responsibility for the collection of all lists of insolvent taxes which have remained on the books uncollected for a period of as much as five years from the due dates of such insolvent taxes as may have been designated by the Commissioners of Surry County as insolvent lists.

Further regulations regarding taxes in Surry County delinquent for five years.

SEC. 2. That all taxes designated by the Commissioners of Surry County, North Carolina, as insolvent and remaining on the tax books of said county as insolvent lists shall not be recharged to the several tax collectors, or any other person after a period of five years from such tax or taxes having been designated by the said commissioners as on the insolvent list of taxes.

Regarding auditing insolvent tax lists in said County.

SEC. 3. That the auditors and accountants auditing the books, records and tax lists of Surry County, and the several tax collectors therein, shall not audit such books and records showing the insolvent list of taxes which have not been recharged to the tax collectors of said county.

Said taxes still collectible.

SEC. 4. That nothing in this Act shall be construed to prohibit the County of Surry or the several tax collectors in said county from collecting taxes shown on any insolvent list, whether or not such taxes have been recharged to a tax collector, or tax collectors, in said county.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 266 **CHAPTER 174**

AN ACT TO AMEND SECTION SEVEN - SEVENTY OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF THE SUPERIOR COURT FOR SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend that part of Section seven - seventy of the General Statutes of North Carolina fixing the terms of the Superior Court for Surry County by rewriting said part so that the same shall hereafter read as follows: Terms of Superior Court in Surry County.

Surry—eighth Monday before the first Monday in March to continue for one week; third Monday before the first Monday in March to continue for one week; seventh Monday after the first Monday in March to continue for one week; second Monday after the first Monday in September to continue for one week; fifteenth Monday after the first Monday in September to continue for one week; all the above terms to be for the trial of criminal and civil cases. Fixing said terms of said Court.

Seventh Monday before the first Monday in March to continue for one week; second Monday before the first Monday in March to continue for two weeks; eighth Monday after the first Monday in March to continue for one week; thirteenth Monday after the first Monday in March to continue for one week; eighth Monday before the first Monday in September to continue for two weeks; third Monday after the first Monday in September to continue for two weeks; all the above terms to be for the trial of criminal and civil cases. Same.

SEC. 2. All laws and cclauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 268 **CHAPTER 175**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF LEAKSVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporate Powers

SECTION 1. Incorporation and Corporate Powers. The inhabitants of the Town of Leaksville, North Carolina, within the boundaries as established in Section three of this charter or as hereafter established in the manner provided by law, shall con- Town of Leaksville incorporated.

tinue to be a body politic and corporate by name of the Town of Leaksville, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Leaksville shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Leaksville by this section:

Corporate powers in general.

Collecting taxes and borrowing money.

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general laws; and to levy and collect special assessments for benefits conferred.

Local public services and utilities.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

Public improvements.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

Police and other regulations.

(4) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this section shall be exercised.

Other general powers.

SEC. 2. Enumerated Powers not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied therby, or appropriate to the exercise of such powers, it is intended that the Town of Leaksville shall have, and may exercise, all powers which, under the Constitution of North Carolina it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this

charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Corporate limits.

SEC. 3. Corporate Limits. The corporate limits of the town shall be as follows: Beginning at the mouth of Burton's Spring Branch where the same empties into the Dan River, running up said branch as it meanders to the Leaksville-Madison Public Road; thence up the North Fork Branch as it meanders to a drain which crosses Hamilton Street near the fork of the road leading to Center Meeting House; thence up said drain to Hamilton Street and with said street to A. B. John's corner; thence North thirty-nine degrees West four hundred and twenty-nine feet to a stake; thence North Twenty-seven degrees East one hundred and seventy-three feet to a stone, the cornor of the William Byrd survey in J. C. Field's fruit yard; thence North two degrees East with the line of Byrd survey five hundred and sixty-seven feet to A. B. John's corner in said survey; thence North fifty-seven and one fourth degrees East, crossing Henry Street to Monroe Street; thence with Monroe Street South thirty-six and one half degrees to Early Avenue; thence with Early Avenue, crossing Bridge, Moir and Railroad Streets to a branch North of said Railroad Street; thence following the meanderings of said branch to Spring Street; thence with Spring Street to Glovinia Street, thence with said street South forty and one half degrees East to the Danville and Western Railroad; thence continuing with said street South sixty-seven degrees East, crossing the public road leading from Leaksville to Spray to Ridge Avenue; thence with Ridge Avenue one thousand and seventy-three feet to D. F. King's and B. F. Ivie's corner and King's brickyard with Ivie's line South twenty-two degrees East four hundred and forty-two feet to his corner in Ridge Road; thence following the meanderings of said road to the line of the North side of public cemetery, and running with said line to the ford of Tanyard Branch; thence with said branch as it meanders to Dan River; thence up the meanderings of said river to the beginning.

Corporate limits.

Board of Commissioners

Town to be governed by Board of Commissioners, consisting of five members and Mayor, to be elected to serve two years.

SEC. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of commissioners shall be for two years and until their successors are elected and qualified. If a vacancy occur in the office of mayor or commissioners, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. Each member of the board of commissioners shall receive a salary the amount of which shall be prescribed by ordi-

Board to fill vacancies.

Salary to be fixed by ordinance, but change in salary not to apply to current term.

nance. No ordinance fixing or changing the salary of members of the board of commissioners shall become effective during the current term of office of members of the board of commissioners enacting such ordinance. Members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners ceasing to possess any of the qualifications specified in this section, or convicted of crime while in office, shall immediately forfeit his office.

Meetings of Board.

SEC. 5. Meetings of Board of Commissioners. At seven thirty p. m. o'clock on the first Monday following a regular municipal election the board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of commissioners or a committee thereof may by a three fifth vote of all the members authorize an executive meeting.

Duties and powers of Mayor.

Board elects Mayor pro tempore.

SEC. 6. Mayor and Mayor Pro Tempore. At its first meeting following a regular municipal election the board of commissioners shall chose one of its members as vice chairman, who shall act as mayor pro tempore. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tempore shall act as mayor during the continuance of the absence or disability.

Certain powers of Commissioners.

SEC. 7. Board of Commissioners Rules. The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by

the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compell the attendance of absent members, may punish its members for disorderly behavior and, by vote of not less than four members, may expel a member for disorderly conduct or the violation of its rules; but no member shall be expelled unless notified of the charges against him and given an opportunity to be heard in his own defense.

Majority of Board to constitute quorum at meetings.

SEC. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Procedure in enactment of ordinances and resolutions by Board.

SEC. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Leaksville."

Effective date of ordinances and resolutions.

SEC. 10. When Ordinances and Resolutions take Effect. Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein, but not less than thirty days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble

thereto. The affirmative vote of at least four members of the board of commissioners shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency by the board of commissioners except as defined in this section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

Authentication of ordinances and resolutions.

SEC. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage a notice of such ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe by ordinance.

Nominations and Elections

Dates for regular and special elections.

SEC. 12. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in odd numbered years. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Board to enact rules for elections.

SEC. 13. Regulations of Elections. The board of commissioners shall make all needful rules and regulations, not inconsistent with this charter, for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud.

Nominations to be made by petitions.

SEC. 14. Nominations. Any qualified elector of the town may be nominated for mayor or the board of commissioners by petition of any five electors of the town who shall be designated as his sponsors. No elector shall sign more than one such petition, and should an elector do so, his signature shall be void as to the petition or petitions last filed. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. Nomination petitions shall be filed with the town clerk not earlier than ninety days nor later than thirty days before the election and shall be in the following form:

Form of petition.

We, the undersigned five electors of the Town of Leaksville hereby nominate and sponsor.....whose residence is..... for the office of .....,
to be voted for at the election to be held on the.....day of .....,, and we individually certify that we are qualified to vote for a candidate for..... and that

we have not signed any other nominating petition therefor.
Name ..... Street and Number .....

(Spaces for four more signatures)

Acceptance of Nomination

I hereby accept the nomination for.....and agree to serve if elected.

Signature of candidate .....

Date of filing.....

This petition is filed by.....whose address is..... Street.

Procedure in handling nomination petitions.

The town clerk shall take and preserve the name and address of the person by whom each nomination is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of the nomination. Any candidate may withdraw his nomination not later than the last day for filing nomination papers by filing a notice of withdrawal with the town clerk. Within five days after the filing of a nomination petition the town clerk shall notify the candidate nominated and the person by whom the petition was filed whether or not the petition is found to be signed by the required number of qualified voters. If a petition is found insufficient the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition may be filed for the same candidate. The petition of each candidate nominated to be mayor or a member of the board of commissioners shall be preserved by the town clerk until the expiration of the term of office for which he has been nominated.

Procedure in printing ballots.

SEC. 15. Ballots. The full names of candidates nominated for mayor or the board of commissioners in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Mayor and Commissioners are to be elected at large, by majority vote.

SEC. 16. Election of Mayor and Board of Commissioners. All members of the board of commissioners shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates, up to the number to be elected, who receive a majority vote shall be declared elected. If more than the number to be elected receive a majority vote, those receiving most votes shall be declared elected. A majority vote for the purposes of this section shall be a majority of a number of votes determined by dividing the total vote of all candidates by the number of persons for which each voter is entitled to cast a vote. If there are one or more positions for which no one is elected at the first election, a second election shall be held one week later. In the second election there shall be printed on the ballot twice as many names as there are positions to be filled, from the remaining candidates polling the largest numbers of votes in the first election. In this election the remaining positions shall be filled by declaring elected the several candidates polling the largest number of votes.

Procedure for run-off vote.

Administrative Service

Board selects administrative employees and fixes their salaries.

SEC. 17. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary; *provided,* that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Board elects Town Clerk.

SEC. 18. Town Clerk. The board of commissioners shall choose a town clerk. The town clerk shall keep the records of the board of commissioners and perform such other duties as may be required by law or the board of commissioners.

Board selects Town Attorney.

SEC. 19. Duties of Town Attorney. The town attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least five years. He shall be the chief legal adviser of and attorney for the town and all departments and offices thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the board of commissioners, to give advice in writing, when so requested; to the board of commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prosecute for all offenses

Qualifications and duties of said Attorney.

against the ordinances of the town and for such offenses against the laws of the State as may be required of him by law; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of commissioners may by ordinance require. In addition to the duties imposed upon the town attorney by this charter or required of him by ordinance or resolution of the board of commissioners he shall perform any duties imposed upon the chief legal officers of municipalities by law.

Board selects Town Accountant.

SEC. 20. Duties of the Town Accountant. The town accountant shall prepare the budget in accordance with the general local government laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: to maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town, and such subsidiary accounts and cost record as may be required by ordinance or by the board of commissioners for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the town government; to examine and approve all contracts, orders, and other documents by which the town incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the town government and to determine the regularity, legality, and correctness of such claims, demands or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and the board of commissioners and to make monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the board of commissioners, and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained in any department or agency of the town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the town government as the board of commissioners may require by ordinance.

Duties and powers of said Accountant.

Board selects Town Tax Collector.

SEC. 21. Duties of Town Tax Collector. The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina re-

Duties and powers of said Tax Collector.

lating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town.

Board selects Town Treasurer.

SEC. 22. Duties of Town Treasurer. The town treasurer, if any, shall have custody of and shall disburse all money belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration or exchange.

Duties and powers of said Treasurer.

Issuance of Bonds by Town.

SEC. 23. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Procedure in making contracts and purchases.

SEC. 24. Purchase Procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thonsand dollars ($1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance.

Contracts for public improvements.

SEC. 25. Contracts for Town Improvements. Any town improvement costing more than one thousand dollars ($1,000.00) shall be executed by contract except where such improvement is authorized by the board of commissianers to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

Long term contracts.

SEC. 26. Contracts Extending beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation within the town

at least ten days before its passage by the board of commissioners.

Annual audits required.

SEC. 27. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon its completion. If an audit is required to be made by State officials under the provisions of State law for the inspection and audit of municipal accounts, the board of commissioners may accept such audit by the State as fulfilling the requirments of this section.

Miscellaneous Provisions

Public records open for inspection.

SEC. 28. Publicity of Records. All records and accounts of every officer and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Mayor, Commissioners, or other officer or employee of Town not to have personal interest in any contract made by the Town.

SEC. 29. Personal Interest. Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies, or services, except on behalf of the town as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Officers must take Oath of Office.

SEC. 30. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

Form of said Oath.

I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Leaksville and will faithfully discharge the duties of the office of.....

.....

Existing contracts continue.

SEC. 31. Continuance of Contracts. All contracts entered into by the town, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Declaration of any portion of this Act as being invalid not to invalidate other portions hereof.

SEC. 32. Saving Clause. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of Leaksville is affected thereby.

Conflicting laws repealed.

SEC. 33. Repealing Clause. That all laws and clauses of laws inconsistent with this Act are hereby repealed.

SEC. 34. This Act shall be in full force and effect from and after its ratification, provided that the mayor and board of commissioners in office at the time this charter takes effect shall continue in office until their successors are elected and qualified.

Ratified this the 16th day of February, 1945.

H. B. 269 CHAPTER 176

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND SEVENTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE AND TO MAKE THE GENERAL LAW RELATING TO TAXICABS APPLICABLE TO THE TOWN OF ROCKINGHAM IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

1941 Act repealed.

SECTION 1. That Chapter four hundred and seventy-four of the Public-Local Laws of one thousand nine hundred and forty-one is hereby repealed.

General law, relating to taxicabs, shall apply to Rockingham.

SEC. 2. That Subsections thirty-five, thirty-six, and thirty-six (a) of Section one hundred and sixty-two hundred of the General Statutes of North Carolina are hereby in all respects made applicable to the Town of Rockingham in Richmond County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 273 CHAPTER 177

AN ACT TO PROVIDE FOR THE TRANSFER OF CASES FROM THE RECORDER'S COURT OF CASWELL COUNTY TO THE SUPERIOR COURT WHEN JURY TRIALS ARE REQUESTED.

The General Assembly of North Carolina do enact:

SECTION 1. Sections two and three of Chapter four hundred and two of the Public-Local Laws of one thousand nine hundred and thirty-nine are hereby repealed and there is substituted in lieu thereof, the following:

Transfer of cases from the Recorder's Court of Caswell County to the Superior Court when jury trials are requested.

In all trials in the Recorder's Court of Caswell County, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall, if there has been no preliminary examination, hear evidence, and if it shall appear to the recorder that no offense has been committed by any person or that there is no probable cause for charging the prisoner with an offense, he shall discharge the prisoner. If it shall appear that an offense has been committted and that there is probable cause to believe that the defendant is guilty, or if the defendant has had a previous preliminary examination and probable cause has been found, it shall be the duty of the recorder, upon demand for a jury by the defendant or the prosecuting attorney representing the State, to transfer said trial to the superior Court of Caswell County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 276 CHAPTER 178

AN ACT TO AMEND SECTION TWENTY-EIGHT - SIXTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO MAKE SAID SECTION APPLICABLE TO WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Making Section 28-68 of General Statutes applicable to Washington County.

SECTION 1. Amend Section twenty-eight - sixty-eight of the General Statutes of North Carolina by striking out the period immediately after the word "Lenoir" in the last line of said section and by inserting in lieu thereof a comma and the word "Washington."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 279 CHAPTER 179

AN ACT FIXING THE TERMS OF COURT IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Fixing terms of Superior Court in Currituck County.

SECTION 1. That Section seven - seventy of the General Statutes of North Carolina is amended by striking out the words, "Currituck County, third Monday in July for civil cases only; first Monday in March; first Monday in September"; and inserting in lieu thereof the following: Currituck County, first Monday in March; first Monday in September.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 282 CHAPTER 180

AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS OF AVERY COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of County Commissioners in Avery County.

SECTION 1. That the County Commissioners of Avery County shall each receive a salary of one hundred dollars ($100.00) per annum and five cents (.05c) per mile to and from their place of meeting. Each commissioner shall also receive five dollars ($5.00) per day while in actual session as the equalization board.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

H. B. 292 **CHAPTER 181**

AN ACT FIXING THE SALARIES OF THE SHERIFF, THE CLERK OF THE SUPERIOR COURT, AND THE REGISTER OF DEEDS OF TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter four hundred and ninety-six of the Public-Local Laws of one thousand nine hundred and twenty-three is hereby amended by striking out Sections one, two, and three, and substituting in lieu thereof, the following:

Fixing salaries of Clerk of Superior Court, Register of Deeds and Sheriff of Tyrrell County.

The Clerk of the Superior Court of Tyrrell County and the Register of Deeds of Tyrrell County shall each receive one thousand and eight hundred dollars ($1,800.00) per annum for their services as such officers, payable in monthly installments, and neither of said officers shall receive any other compensation of any kind for the performance of the duties of their respective offices. The Sheriff of Tyrrell County shall receive a salary of two thousand and four hundred dollars ($2,400.00) per annum, payable in monthly installments, and shall not receive any other compensation of any kind except the usual process fees.

Compensation of County Commissioners of Tyrrell County.

SEC. 2. The members of the Board of County Commissioners of Tyrrell County shall receive for their services a per diem of seven dollars and fifty cents ($7.50) and the chairman shall not receive a per diem, but shall receive a salary of twenty dollars ($20.00) per month and, in addition thereto, the members of said board and the chairman shall receive five cents (5c) per mile to and from their residences to the court house for any meeting of the board of commissioners.

Compensation of Board of Education of said County.

SEC. 3. The members of the Board of Education of Tyrrell County shall receive for their services a per diem of seven dollars and fifty cents ($7.50) and the chairman shall not receive a per diem, but shall receive a salary of twenty dollars ($20.00) per month, and, in addition thereto, the members of said board and the chairman shall receive five cents (5c) per mile to and from their residences to the court house for any meeting of the board of education.

Foregoing salaries effective January 1, 1945.

SEC. 4. The salaries and fees per diems herein fixed shall be effective as of January first, one thousand nine hundred and forty-five and the board of commissioners is hereby authorized and empowered to amend its present budget so as to provide for the payment of the increases herein fixed.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of February, 1945.

S. B. 47 CHAPTER 182

AN ACT TO DEFINE THE TERMS "FACTOR" AND "FACTORS" AND RELATING TO THE CREATION OF LIENS UPON MATERIALS, GOODS IN PROCESS AND MERCHANDISE: TO PROVIDE FOR THE RECORDING OF NOTICE OF SUCH LIENS, THEIR APPLICATION, ENFORCEMENT, AND DISCHARGE.

The General Assembly of North Carolina do enact:

Definition of "factor."

SECTION 1. Definitions. The terms "factor" and "factors" wherever used in this Act means persons, firms, banks, and corporations, and their successors in interest, who advance money to manufacturers or processors on the security of materials, goods in process, or merchandise, whether or not they are employed to sell such materials, goods in process, or merchandise.

Providing liens for factors.

SEC. 2. Factors liens. If so provided by any written agreement, all factors shall have a continuing general lien upon all materials, goods in process, and merchandise from time to time consigned to or pledged with them, whether in their constructive, actual or exclusive occupancy or possession or not, for all their loans and advances to or for the account of the person creating the lien (hereinafter called the borrower), together with interest thereon and also for the commissions, obligations, indebtedness, charges, and expenses properly chargeable against or due from said borrower and for the amounts due or owing upon any notes or other obligations given to or received by them for or upon account of any such loans or advances, interest, commissions, obligations, indebtedness, charges, and expenses, and such lien shall be valid from the time of filing the notice hereinafter referred to, whether such materials, goods in process, or merchandise shall be in existence at the time of the agreement creating the lien or at the time of filing such notice or shall come into existence subsequently thereto or shall subsequently thereto be acquired by the borrower; provided there shall be placed and maintained on the door of, or in a conspicuous place at, one of the principal entrances of the place of business or other premises in or at which such materials, goods in process, and merchandise, shall be located, kept or stored, the name of the factor in legible lettering and a designation of said factor as factor; and provided further, that a notice of the lien is filed stating:

Notice of lien to be filed.

1. The name of the factor, the name under which the factor does business, if an assumed name; the principal place of business of the factor within the State, or if he has no place of business within the State, his principal place of business outside of the State; and if the factor is a partnership or association, the name of the partners, and if a corporation, the State under whose laws it was organized.

Notice to show information regarding the factor.

2. The name of the borrower, and the interest of such person in the materials, goods in process, and merchandise, as far as known to the factor.

To show name and interest of borrower.

3. The general character of materials, goods in process, and merchandise subject to the lien, or which may become subject thereto, the date of the agreement and the period of time during which such loans or advances may be made under the terms of the agreement providing for such loans or advances and for such lien. Amendments of the notice may be filed from time to time to record any changes in the information contained in the original, subsequent or amended notices.

Description of property and date and terms of lien agreement.

SEC. 3. Registration: Such notice shall be acknowledged or proven by the factor or his duly authorized representative in the form of acknowledgements to deeds. The notice so acknowledged shall be filed for registration in the office of the register of deeds in the county wherein the property referred to in the notice is located and shall be recorded and cross indexed in the same manner as chattel mortgages. The fees for acknowledging and recording shall be the same as those provided for by law for acknowledging and recording chattel mortgages.

Said notice of lien to be recorded.

SEC. 4. Effect of Registration: Such notice may be filed at any time after the making of the agreement and shall be effectual from the time of the filing thereof as against all claims of unsecured creditors of the borrower and as against subsequent liens of creditors, except that if, pursuant to the laws of this State, a lien should subsequently attach to the materials, goods in process, or merchandise in favor of a processor, dyer, mechanic, or other artisan, or in favor of a landlord, then the lien of the factor on such materials, goods in process, or merchandise shall be subject to such subsequent lien. When materials, goods in process, or merchandise subject to the lien provided for by this Act are sold in the ordinary course of the business of the borrower, such lien, whether or not the purchaser has knowledge of the existence thereof, shall terminate as to the materials, goods in process or merchandise.

Nature of lien and effect of registration.

SEC. 5. Satisfaction and Discharge: Upon payment or satisfaction of the indebtedness secured by any lien specified in this Act the factor, his assignee or duly authorized representative, attorney or attorney in fact, may in the presence of the register of deeds or his deputy acknowledge the satisfaction of the pro-

Procedure for cancellation of lien.

visions of such lien, whereupon the register of deeds or his deputy shall forthwith make upon the margin of the record of such lien an entry of such acknowledgement of satisfaction, which shall be signed by the factor, his assignee or duly authorized representative, attorney or attorney in fact and witnessed by the register of deeds or his deputy, who shall affix his name thereto.

Upon the exhibition of the original notice to the register of deeds or his deputy, where the same is registered, with the endorsement of payment and satisfaction appearing thereon by the factor, his duly authorized representative, attorney or attorney in fact, the register of deeds or his deputy shall cancel the lien by entry of "satisfaction" on the margin of the record.

Such satisfaction as herein above set forth shall operate as a release of all claims of the factor set forth in the said notice. All notices of liens filed pursuant to this Act and not satisfied as herein above set forth shall be and remain in full force and effect under this Act without further or other filing.

Lien by possession.

SEC. 6. Common Law Lien: When any factor, or any third party for the account of any such factor, shall have possession of materials, goods in process, or merchandise, such factor shall have a continuing general lien, as set forth in Section two of this Act, without filing the notice and posting the sign provided for in this Act.

This Act to be construed liberally.

SEC. 7. Construction: This Act is to be construed liberally to secure the beneficial interest and purpose thereof. A substantial compliance with its several provisions shall be sufficient for the validity of a lien and to give jurisdiction to the courts to enforce the same. Nothing in this Act shall be construed as affecting or limiting any existing or future lien at common law or any rights at common law, or any right given by any other statute, and as to any transaction falling within the provisions both of this Act and of any other statute of this State requiring or permitting filing, registering, consent, publication, notices, or formalities of execution, the factor shall not be required to comply with the provisions of any such other statute.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

S. B. 88 CHAPTER 183

AN ACT TO AMEND SECTION ONE HUNDRED AND EIGHTEEN - SEVEN OF CHAPTER ONE HUNDRED AND EIGHTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA PERTAINING TO THE FIREMEN'S RELIEF FUND.

The General Assembly of North Carolina do enact:

Amending law, regarding Firemen's Relief Fund, in its application to Gastonia.

SECTION 1. That Section one hundred and eighteen - seven of the General Statutes of North Carolina be amended by adding to the end thereof a new paragraph as follows:

Provided, further, that the board of trustees duly appointed under Section one hundred and eighteen - seven of the General Statutes of North Carolina shall be required to pay from time to time all sums entrusted to it in excess of five hundred dollars ($500.00) over to the custodian of the Firemen's Pension and Disability Fund in its town or city so that at no time shall said board of trustees retain in said fund more than five hundred dollars ($500.00).

SEC. 2. This Act shall apply only to the City of Gastonia.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

S. B. 90 CHAPTER 184

AN ACT TO AMEND CHAPTER SIX HUNDRED AND NINE OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATIVE TO THE CIVIL SERVICE COMMISSION OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Amending law relating to Civil Service Commission of Fayetteville.

SECTION 1. That Section one of Chapter six hundred and nine of the Public-Local Laws of the session of one thousand nine hundred and thirty-nine be amended by rewriting said Section one so that hereafter the same shall read as follows:

Creating Civil Service Commission for Police Department of Fayetteville and providing for selection of same.

SECTION 1. That there is hereby created a Civil Service Commission of the City of Fayetteville, North Carolina for the police department of said city to consist of five members each of whom shall be a resident and citizen of the said city, one member to be appointed by the board of audit and finance of said city, one

member by the Clerk of the Superior Court of Cumberland County, one member by the resident judge of the Judicial District which includes Cumberland County, one member by the Board of Health of Cumberland County and one member by the board of education of said county. The first appointments under this Act shall be made during the month of June one thousand nine hundred and forty-five and the members thus appointed shall take office and the duties of the commission shall begin on the first Monday in July one thousand nine hundred and forty-five. The members first appointed by the Board of Audit and Finance of the City of Fayetteville and by the Clerk of the Superior Court of Cumberland County shall serve for a period of two years from and after the first Monday in July one thousand nine hundred and forty-five, and the members appointed by the resident judge, by the county board of health and by the county board of education shall serve for a period of four years from and after the first Monday in July one thousand nine hundred and forty-five; thereafter all successors of such original appointees on said commission shall be appointed for a term of four years by the authority by which the members, whose terms are expiring, were originally appointed. All subsequent appointments shall be made during the month of June of those years in which the terms of office expire and all appointees shall take office on the first Monday in July following such appointment. Appointments to fill vacancies for any unexpired term, whether such vacancy shall be caused by death, resignation, or disqualification, shall be made by the authority which appointed the member whose office has expired or whose office has by some reason been vacated; and the person appointed to fill such vacancy shall take office as soon as practicable, after his appointment. Any member of said board shall be eligible for reappointment. No official or employee of the City of Fayetteville shall be eligible for appointment to membership on the said Civil Service Commission, and no attorney practicing in any of the criminal courts of Cumberland County shall be eligible for appointment to membership on the said commission.

Terms of office of members of Commission.

SEC. 2. That Section eleven of Chapter six hundred and nine of the Public-Local Laws of the session of one thousand nine hundred and thirty-nine, as amended by Section one of Chapter ninety-two of the Public-Local Laws of the session of one thousand nine hundred and forty-one, be amended by rewriting said Section eleven so that the same shall hereafter read as follows:

Appointment of Chief of Police and Chief of Fire Department of Fayetteville.

SEC. 11. The chief of police and the chief of the fire department shall be appointed by the Board of Aldermen of the City of Fayetteville, or other governing bodies of said city by whatsoever name called, by and with the approval of the Civil Service Commission. The chief of police and the chief of the fire department so appointed need not be residents of the City of Fayetteville at the time of their appointment.

Their terms of office.

The terms of office of the chief of police and of the chief of the fire department shall be four years from and after the date of their qualification for such offices or positions, and they shall not be removed from their offices or from their positions except for cause, and then only after notice and full hearing and by the majority action of the Civil Service Commission, unless such dismissal or demotion was the result of such conduct as to disqualify them, or either of them, for holding a position as a police officer or as a fireman.

Effects of demotion or dismissal of Chief of Police or Chief of Fire Department.

In the event the chief of police or the chief of the fire department is dismissed or demoted from his office or position, he shall be eligible for employment, as to the chief of police, in the police department, and as to the chief of the fire department, in the fire department, when approved by the Civil Service Commission, unless such dismissal or demotion was the result of such conduct as would disqualify the chief of police for holding a position as a police officer, or would disqualify the chief of the fire department for holding a position as a fireman or other position with the fire department.

Promotions in Police Department.

Promotions in the police department shall be made by the chief of police, by and with the approval of the board of aldermen and the Civil Service Commission.

Effect of seniority in service.

The chief of police in the assignment of their various duties to the members of the police force from time to time, and so far as may be practicable without diminishing the efficiency of the force, shall give preference in such duties to members in accordance with their seniority or length of service on the force.

SEC. 3. That the fourth sentence in Section twelve of Chapter six hundred and nine of the Public-Local Laws of the session of one thousand nine hundred and thirty-nine be and the same is hereby amended by rewriting said fourth sentence so that the same shall hereafter read as follows:

Relating to discipline in Police Department.

In the event a member of the police department commits any flagrant offense he may be suspended immediately by the chief of police for a period not exceeding thirty days, in order that a hearing relative to the charges against such policeman may be had by the Civil Service Commission.

SEC. 4. That the last sentence of Section fourteen of Chapter six hundred and nine of the Public-Local Laws of the session of one thousand nine hundred and thirty-nine be and the same is hereby amended by rewriting said last sentence of said Section fourteen so that the same shall hereafter read as follows:

Amending law relating to Secretary of said Civil Service Commission.

The secretary shall keep a record of all examinations held and perform other duties as may be prescribed by the commission, for which he shall be paid a salary to be fixed by the governing body of the City of Fayetteville, in an amount not less than

one hundred and fifty dollars ($150.00) per year to be paid monthly out of the general fund of the city.

SEC. 5. That Section sixteen of Chapter six hundred and nine of the Public-Local Laws of the session of one thousand nine hundred and thirty-nine be amended by rewriting said Section sixteen so that the same shall hereafter read as follows:

Amending law relating to salary of Civil Service Commission.

SEC. 16. The members of the Civil Service Commission shall be paid from the general funds of the City of Fayetteville a salary of not less than one hundred dollars ($100.00) per year, except the secretary of the commission, whose salary is otherwise provided for.

Certain conflicting laws repealed.

SEC. 6. That the provisions of Article VI Section thirty of Chapter twenty-eight of the Private Laws of one thousand nine hundred and twenty-five relative to the qualifications of the Chief of Police or the Chief of the Fire Department of the City of Fayetteville in conflict with this Act are hereby repealed.

Relating to Fire Department.

SEC. 6(a). All of the provisions of Chapter six hundred and nine, Public-Local Laws of the session of one thousand nine hundred and thirty-nine, as amended, shall be applicable to determine the rights, duties and methods of employment of the Chief of Fire Department of the City of Fayetteville and also all paid or salaried drivers of fire trucks.

This Act to be submitted to referendum in Fayetteville.

SEC. 7. This Act shall not become operative until it has been approved by a majority of the votes cast by the qualified voters of the City of Fayetteville, voting in the regular municipal primary election of said city to be held for the purpose of nominating candidates for mayor, members of the board of aldermen and other city officials of the City of Fayetteville for the year of one thousand nine hundred and forty-five.

Procedure in voting.

SEC. 8. The electors or qualified voters in said municipal primary favoring the adoption of a Civil Service Commission, as provided for in this Act, shall vote ballots on which shall be printed or written the words "For a Civil Service Commission according to amendments"; and those opposed shall vote ballots on which shall be printed or written the words "Against the Civil Service Commission according to amendments."

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Date of referendum.

SEC. 10. That this Act shall be in full force and effect from and after its ratification, and upon the approval of same by the majority of the votes cast by the qualified voters in the regular primary election to be held for the nomination for the mayor, members of the board of aldermen and other city officials of the City of Fayetteville for the year one thousand nine hundred and forty-five.

SEC. 11. In the event that this Act is not approved by a majority of the votes cast by the qualified voters as provided in Section ten, then all of the provisions of Chapter six hundred and nine of the Public-Local Laws of the session of one thousand nine hundred and thirty-nine, the same being "An Act to create a Civil Service Commission for the Police Department for the City of Fayetteville, and to provide necessary machinery and rules for the organization and operation of said Civil Service Commission and department," and all amendments thereto, shall be and become inoperative and void and in such event said Chapter six hundred and nine of the Public-Local Laws of the session of one thousand nine hundred and thirty-nine, and all amendments thereto, are hereby repealed.

Effects of unfavorable vote in said referendum.

Ratified this the 20th day of February, 1945.

H. B. 50 CHAPTER 185

AN ACT TO PERMIT THE STATE BOARD OF PUBLIC WELFARE TO INSPECT AND LICENSE BOARDING HOMES, REST HOMES OR CONVALESCENT HOMES FOR THE AGED AND MENTALLY OR PHYSICALLY INFIRM.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and eight - three of the General Statutes of North Carolina is hereby amended by adding at the end thereof another paragraph as follows:

15. To establish standards, provide rules and regulations for the operation of, and to inspect and license boarding homes, rest homes or convalescent homes for persons who are aged or mentally or physically infirm and who are not related or connected by blood marriage to the applicant for license when a charge is made for such care: *Provided* said homes care for two or more persons who obtain services from the county public welfare department or are supported in whole or in part by public welfare funds. Such license shall be valid for one year from the date of issuance unless revoked earlier by the board for cause. Such homes shall be under the supervision of the board, and its agents may at any time visit and inspect the homes. Licensing authority shall not apply to any institution established, maintained or operated by any unit of government nor to commercial inns or hotels.

Amending law to provide for inspection and licensing of boarding houses, and certain rest homes.

License for one year unless revoked earlier by Welfare Board.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this 20th day of February, 1945.

H. B. 90 CHAPTER 186

AN ACT RELATING TO THE ESTABLISHMENT OF CITY AND COUNTY JUVENILE COURT BY AMENDING SECTIONS ONE HUNDRED AND TEN - TWENTY-TWO AND ONE HUNDRED AND TEN - FORTY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Amending law, relating to establishment of City and County Juvenile Courts.

SECTION. 1. Section one hundred and ten - forty-four of the General Statutes of North Carolina is hereby amended by striking out the clause between the comma in line two and the comma in line four which reads, "by the Census of one thousand nine hundred and twenty, ten thousand or more shall maintain a juvenile court" and substituting in lieu thereof, the following:

By the last Federal Census report, ten thousand or more may maintain a juvenile court.

The said Section one hundred and ten - forty-four is further amended by striking out the word "must" between the words "city" and "establish" in line eleven of the second paragraph and substituting in lieu thereof the word "may."

Changing application of law.

SEC. 2. Section one hundred and ten - twenty-two of the General Statutes of North Carolina is hereby amended by striking out all of lines eleven and twelve and the first word in line thirteen of the second paragraph which reads, "that in counties, where the county seat is a city containing twenty-five thousand inhabitants or more," and by striking out the words "such counties" in line thirteen and substituting in lieu thereof, "any county."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

H. B. 117 **CHAPTER 187**

AN ACT TO AMEND CHAPTER SIX HUNDRED AND SEVENTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, RELATING TO THE RECORDER'S COURT IN THE DISTRICT OF DENTON IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section five of Chapter six hundred and seventy-six of the Public-Local Laws of one thousand nine hundred and thirteen is hereby rewritten to read as follows:

Amending law relating to Recorder's Court in Denton District.

SEC. 5. That said recorder shall receive as full compensation for his services the sum of four dollars for each civil case brought before him, and in criminal cases when the defendant is convicted the sum of four dollars, and if more than one, two dollars for each additional defendant to be taxed as part of the cost in the case.

Compensation of Recorder.

In criminal cases where the defendant is found not guilty or is sentenced to the roads and the cost may not be legally taxed against the prosecuting witness, the recorder shall receive half fees to be paid by the Town of Denton in cases arising within the corporate limits of the town, and by Davidson County in cases arising outside the Town of Denton, and within the territorial jurisdiction of the court.

SEC. 2. That Section seven (d) of Chapter six hundred and and seventy-six of the Public-Local Laws of one thousand nine hundred and thirteen is hereby amended by adding at the end thereof a new paragraph to read as follows:

Jurisdiction of Recorder in certain cases.

In case of said misdemeanors the court shall have the power, upon conviction, to fine the defendant or impose a prison sentence for a term not exceeding two years, including larceny of property of the value of not exceeding fifty dollars.

Further amendments.

SEC. 3. That Section eight of Chapter six hundred and seventy-six of the Public-Local Laws of one thousand nine hundred and thirteen is hereby amended by striking out the words "two hundred dollars" in lines two and three and by inserting in lieu thereof the words "five hundred dollars," and by striking out the words "fifty dollars" in line four and inserting in lieu thereof the words "two hundred dollars."

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

H. B. 128 **CHAPTER 188**

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON, NORTH CAROLINA, AND TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

Extending city limits of Wilmington.

SECTION 1. That the corporate limits and bounds of the City of Wilmington, North Carolina, may be extended so as to include within the boundaries of said corporate limits all of that territory defined and described by metes and bounds as follows, to-wit:

Beginning at the intersection of the Eastern bank of the Cape Fear River and the Southern bank of Smith's Creek and runs thence up said Smith's Creek and along said Southern bank thereof to its intersection with the Southern line of New Bern Street if same were extended in a Westerly direction to Smith's Creek; thence in an Easterly direction and along the line above referred to and along said Southern line of New Bern Street to its intersection with the Western bank of Green's Mill Creek (Burnt Mill Creek); thence up said Green's Mill Creek (Burnt Mill Creek) and along said Western bank to the Southerly right-of-way line of the New Bern Branch of the Atlantic Coast Line Railroad where said railroad crosses said creek; thence in an Eastwardly direction and along said Southerly right of way line to its intersection, where a line running midway between Hamilton and Montgomery Streets and parallel thereto would intersect said right of way line, said line being the rear line of lots facing on above street in the Montgomery Place Subdivision; thence Southward and along the above described line to a point two hundred feet South of the Southern line of Market Street Road; thence Westward and parallel with Market Street Road to the Eastern line of East Mercer Place; thence South and along said Eastern line of East Mercer Place to its intersection with the Southern edge of the run of Burnt Mill Creek, said point being also the corner of Colonial Village Subdivision; thence up said creek to the mouth of a small branch just East of Colonial Village; thence up said branch in a Southerly direction to a point on said branch where it intersects the Northern line of the old Wrightsville Turnpike (Wilmington Avenue); thence crossing said Wrightsville Turnpike to the dividing line between Lots two and three in Block "G" of Highwood Park as recorded in Map Book two, page four, Records of New Hanover County, and runs thence in a Southerly direction and along said dividing line between Lots two and three and Lots nine and ten Block "G," and Lots two and three and nine and ten in Block "N" to a point in the Northern line of Clarendon Street; thence crossing said street to the dividing line between Lots seven and

Defining limits.

eight and ten and eleven in Block "S"; thence along this line to its intersection with the Western boundary line of Highwood Park; thence along said boundary line of Highwood Park in a Southerly direction to a point in the Northern line of the Old Tide Water Power Company right of way or Park Avenue; thence crossing said right of way to a point in the Southern line of Park Avenue two hundred feet East of the Eastern line of Dogwood Avenue; thence Southward and parallel with Dogwood Avenue and two hundred feet therefrom, to a point two hundred feet South of the Southern line of Pine Street extended; thence Westward and parallel with Pine Street and two hundred feet South therefrom to a point where said line would intersect with the Western property line of Magnolia Place and in a Northerly direction to its intersection with the Southern line of Oleander; thence with the Southern line of Oleander to a point two hundred feet West of the Western line of Country Club Boulevard; thence in a Northerly direction and parallel with Country Club Boulevard and two hundred feet therefrom to a point two hundred feet South of the Southern line of Hydrangea Place; thence in a Westerly direction and parallel with Hydrangea Place and two hundred feet therefrom to the Eastern right of way line of the Atlantic Coast Line Railroad; thence along said right of way to the Eastern line of Seventeenth Street; thence South along the Eastern line of Seventeenth Street extended to the Northern bank of Jumping Run Branch; thence down said branch to the Western edge of Lake or Greenfield Drive; thence along the edge of said drive as it meanders to a point one hundred and fifty feet South of the Southern line of Burnett or Lake Road; thence Westward and parallel with said Burnett or Lake Road and crossing the Carolina Beach Boulevard to a point in the Eastern line of Sunset Park, said point being two hundred feet East of the Eastern line of Adams Street; thence in a Southerly direction and parallel with Adams Street to a point one hundred and fifty feet North of the Northern line of Delaware Avenue; thence in a Westerly direction and parallel with Delaware Avenue and one hundred and fifty feet therefrom to the Eastern right of way line of the Atlantic Coast Line Railroad; thence in a Northerly direction and along said Eastern right of way line of the Atlantic Coast Line Railroad to the Northern edge of Greenfield Creek; thence along said Northern edge of Greenfield Creek to the United States Harbor line in the Cape Fear River, thence up the said Cape Fear River and along said harbor line to a point opposite the mouth of Smith's Creek, thence to the point of beginning.

Defining limits.

Defining limits.

SEC. 2. That if the City Council of the City of Wilmington to be elected in the general city election to be held in May, one thousand nine hundred and forty-five, or the council to be elected in any general election thereafter, by a majority vote of the entire membership of the council or their successors in office, at

City Council of Wilmington may call election to determine whether foregoing limits shall become effective.

any regularly called meeting held within three months after taking office, adopts a resolution so requesting, the New Hanover County Board of Elections shall, as promptly as feasible, call and hold for the said city and at its expense a special election to determine whether the city limits of the City of Wilmington shall be extended as herein provided; *provided, however,* that the Council of the City of Wilmington, elected as aforesaid, shall not be authorized to require the calling and holding of said special election until at least four members of the city council and the city manager have signed and made provision for publishing, as hereinafter provided, a declaration to the effect that if the city limits are extended in the manner herein provided the City of Wilmington will, from and after the effective date of said extension, promptly begin to furnish to the new area included within the extension, municipal services comparable to those now furnished to the present City of Wilmington, to-wit police and fire protection, street cleaning, garbage and trash removal, street lighting, and water and sewerage at rates equal to city rates where city water and sewer service are furnished in said new area, and that the city council will also promptly begin and in an orderly manner complete the installation of adequate water and sewer mains in the new area. The resolution and declaration with respect to said services and facilities will be subscribed to and approved by the city manager, and when so adopted and signed by the members of the council as herein provided and approved by the city manager the same shall be published once in one or more newspapers published in the city of Wilmington.

Calling said special election dependent on City Council voting to extend public services to proposed new area.

Procedure in calling proposed special election

SEC. 3. That the New Hanover County Board of Elections, when requested so to do by the Council of the City of Wilmington, as hereinbefore set forth, shall call a special election to be held to determine whether or not the boundaries of the City of Wilmington shall be extended, and the territory within and the boundaries thereof shall be as described in Section one hereof; *provided, however,* that only one special election to determine the extension of the city limits of the City of Wilmington as herein provided shall be called under the provisions of this Act. The New Hanover County Board of Elections in calling said special election shall give sufficient notice thereof to provide an opportunity for absentee voting in said special election by qualified voters within the territory described herein, then in the Armed Forces of the United States.

SEC. 4. That the call for said special election when made by the New Hanover County Board of Elections shall

Procedure in proposed special election.

(a) describe the territory of the proposed boundaries of the City of Wilmington as the same is set forth in Section one hereof,

(b) provide that the matter of annexation of such territory and the boundaries of the City of Wilmington as described in Section one hereof, shall be submitted to the vote of the qualified voters of said City of Wilmington and the territory to be annexed, voting together,

(c) provide for a new or special registration of voters in the City of Wilmington as its boundaries now exist and the territtory proposed to be annexed at said special election,

(d) designate the precincts and voting places for such election,

(e) name the registrars and judges of election; and

(f) make all necessary provisions for the holding and conducting of such election, including provisions for absentee voting by the qualified voters residing within said territory who are then in the Armed Forces of the United States, the canvassing of the returns and the declaration of the result of said special election. The call for said special election shall be published in a newspaper published in the City of Wilmington for a period of once a week for four successive weeks prior to said election.

SEC. 5. At such election the qualified voters who present themselves to the election officials at the respective voting places during the hours provided for the holding of said special election, and those entitled to vote by absentee ballot who then are serving in the Armed Forces of the United States as herein provided, shall be furnished with ballots upon which shall be written or printed the words "For Extension" and "Against Extension."

Persons in armed forces to vote by absentee ballot.

If at such special election a majority of the votes cast shall be "For Extension," then from and after the thirty-first day of December next following the special election the territory described in Section one hereof shall be and become the corporate limits and boundaries of the City of Wilmington, and if the corporate limits shall be so extended the same shall constitute and include all of said territory described in Section one, and the citizens and property within said territory shall then be subject to all laws, ordinances and regulations in force and effect in said city or which may thereafter be in force and effect, and said property and citizens shall be entitled to the same benefits, privileges and facilities as afforded other comparable parts of said city now within the present limits, and be subject to the same responsibilities.

Form of ballot.

SEC. 6.

(a) That if said special election is held in the year one thousand nine hundred and forty-five, and if at such special election a majority of the votes cast shall be "For Extension," then Harriss Newman and Ray Pollock are hereby named as additional members of the Council of the City of Wilmington for

If proposed new limits be adopted, Harriss Newman and Roy Pollock to be members of City Council.

a term beginning January first, one thousand nine hundred and forty-six, and continuing during the remainder of the terms of office of the then elected members of the council, and each of said additional members shall on or before taking office respectively take the oath of qualification for office before the Clerk of the City of Wilmington. If Harriss Newman, the additional member first hereinabove named, shall fail for any reason to qualify and take the oath of office by twelve o'clock noon on January tenth, one thousand nine hundred and forty-six, then one of the following, H. A. Marks or S. A. Cross, in the order listed, is hereby named as an additional member of the Council of the said City of Wilmington in the place and stead of Harriss Newman, the additional member first herein named; and if the said H. A. Marks becomes eligible to qualify as a member of the city council as herein provided, he shall take the oath of office not later than twelve o'clock noon on January twentieth, one thousand nine hundred and forty-six; and, in the event of his failure to do so, S. A. Cross shall become eligible to qualify as a member of the city council and shall qualify and take the oath of office before twelve o'clock noon on January thirtieth, one thousand nine hundred and forty-six. If Ray Pollock, the second additional member first hereinabove named, shall fail for any reason to qualify and take the oath of office by twelve o'clock noon on January tenth, one thousand nine hundred and forty-six, then one of the following, W. T. Miars or Robert B. Howard, in the order listed, is hereby named as an additional member of the Council of the said City of Wilmington in the place and stead of Ray Pollock, the second additional member first hereinabove named; and if the said W. T. Miars becomes eligible to qualify as a member of the city council as herein provided he shall take the oath of office not later than twelve o'clock noon on January twentieth, one thousand nine hundred and forty-six, and in the event of his failure so to do, Robert B. Howard shall become eligible to qualify as a member of the city council and shall qualify and take office before twelve o'clock noon on January thirtieth, one thousand nine hundred and forty-six. If from those above named as additional members of the city council, or as alternates for additional members, the two additional members of the city council herein provided for, or one of them, shall fail to qualify in the manner and at the time herein provided, then the Council of the City of Wilmington, by a majority vote of the entire membership of the council, shall elect such additional member or members from the qualified residents of the area newly included within the boundaries of the said city, in order to increase the full membership of the council from five to seven members during the period beginning with the effective date of the extension and continuing during the remaining portion of the unexpired term of office of the then elected membership of the council. At the general election for members of the city

Alternates for Newman and Pollock, if they fail to qualify.

Other alternates.

council next following, the membership of the city council shall revert to five, and five members shall be elected at such following election to serve as councilmen for the City of Wilmington.

Procedure in case proposed special election be not held during 1945.

(b) If the special election hereinbefore provided for is not held in one thousand nine hundred and forty-five, but is held in a subsequent year, in accordance with the provisions of Section two hereof, and if at said special election a majority of the votes cast shall be "For Extension," then the New Hanover County Board of Elections shall call and hold, at the expense of the City of Wilmington, and, if time permits, prior to the effective date of such extension, a special primary election and special general election for the qualified voters living within the newly included area for the purpose of electing two additional members of the Council of the City of Wilmington to serve from the effective date of extension until the expiration of the terms of office of the council members then in office. The said special general election for election of additional councilmen shall follow the said special primary election by not more than twenty days, and the two persons elected by a majority of those voting in said general election shall take office on the day following their election or on the effective date of extension, whichever is later, and shall serve as additional Councilmen of the City of Wilmington until the expiration of the terms of office of the councilmen then holding office, after which time the membership of the council shall revert to five in the same manner as provided in Section six (a) hereof. To carry out the purposes of this paragraph, the county board of elections shall (1) publish the call for the said special primary election and special general election, (2) set the dates thereof, (3) provide that those qualified to vote therein shall include the persons registered for the special election on extension provided for in Section two hereof, (4) designate the precincts and polling places, (5) name the registrars and judges of election, and (6) make all other necessary provisions for the orderly calling and holding of the said special primary and special election and for certifying the results thereof.

Effect of favorable vote.

SEC. 7. That if a majority of the votes cast at said special election shall be "For Extension," from and after December thirty-first next following said special election the boundaries of the Township of Wilmington shall be the same as the boundaries of the territory described in Section one hereof, and the Board of Commissioners of New Hanover County are hereby authorized and directed to make such adjustments of records and township lines as may be required to accordingly define the boundaries of the Township of Wilmington; and the Council of the City of Wilmington is hereby directed to cause to be prepared an official map defining and including the boundaries of the territory described in Section one hereof as the official lines and boundaries of the City of Wilmington, and said map shall be

filed with the Register of Deeds of New Hanover County, who is hereby directed to register the same in the official records in his office.

Special voting procedure.

SEC. 8. That the Board of Elections of New Hanover County, upon the call of the special election for the purpose and in the manner as herein provided, shall make provisions for the qualified voters residing in the territory described in Section one hereof, who are serving in the Armed Forces of the United States at the time of the call of said election, to vote therein, and the said New Hanover County Board of Elections shall adopt and use so much or all of the provisions of Chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and thirty-nine, as amended, as may be necessary to provide the means for such qualified voters who are in the Armed Forces of the United States to vote in said election.

Saving clause.

SEC. 9. If any section, portion or clause of this Act shall be declared unconstitutional all other parts of said Act shall be and remain in full force and effect.

Conflicting laws repealed.

SEC. 10. All laws or parts of laws in conflict with this Act are hereby repealed.

SEC. 11. This Act shall be in force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

H. B. 171 CHAPTER 189

AN ACT TO AMEND SUBCHAPTER ONE OF CHAPTER FIFTY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA ONE THOUSAND NINE HUNDRED AND FORTY-THREE, RELATING TO MEMBERSHIP, LOANS AND INVESTMENTS OF BUILDING AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Amending law relating to membership, loans and investments of Building and Loan Associations.

SECTION 1. That Section fifty-four - twenty of the General Statutes of North Carolina one thousand nine hundred and forty-three be amended by striking out the last sentence therein, to-wit: "No association shall make any loan upon this plan to any person unless he be a member of such association," and substituting in lieu thereof the following, to-wit: Every person who has obtained or shall obtain a loan upon this or any other plan, or who has assumed or shall assume payment of a loan theretofore made upon this or any other plan or who shall be obligated upon any loan held by an association, shall be by reason thereof a member of the association making or holding such loan and shall be deemed a member until such loan is fully paid or assumed by

another person or persons acceptable to the association. Such association may issue certificates of stock or membership to such member, but certificates shall not be necessary or required.

SEC. 2. That Section fifty-four - twenty-one of the General Statutes of North Carolina one thousand nine hundred and forty-three be amended and reenacted so that same hereafter shall read as follows:

Insured and guaranteed loans by Building and Loan Associations.

SEC. 54-21. Insured and Guaranteed Loans. Notwithstanding any other provisions of law, any such association, incorporated under the laws of this State, is authorized to make any real estate mortgage loan, which is insured or guaranteed, in any manner, in whole or in part, by the United States or any instrumentality thereof, or for which there is a commitment to insure or guarantee; *provided,* the association making any insured or guaranteed second lien shall also hold the first lien on the property.

SEC. 3. That a new Section of said General Statutes, to be numbered fifty-four - twenty-one point one be enacted, as follows:

Purchase of certain loans.

SEC. 54-21.1. Purchase of Loans. Any such association, incorporated under the laws of this State, is authorized to invest any funds on hand, in excess of the demands of its shareholders, in the purchase of loans of a type which the association would be permitted to make under this article; *provided,* that such purchase shall not be made until the purchase has received the approval of two-thirds (⅔) of the entire membership of the board of directors, in a regular or called session, and *provided,* that separate appraisals be made on each property involved and a certificate of title be furnished by an approved attorney for the association.

SEC. 4. That a new Section of said General Statutes, to be numbered fifty-four - twenty-one point two be enacted as follows:

Investment of certain funds.

SEC. 54-21.2. Investments. Any such association, incorporated under the laws of this state, is authorized to invest any funds on hand, in excess of the demands of its shareholders, in bonds or evidences of indebtedness of the United States Government, or guaranteed by it, and bonds or other evidences of indebtedness of the State of North Carolina; provided, that nothing herein shall be construed as altering the provisions of Section fifty-four - fourteen.

SEC. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

H. B. 230 CHAPTER 190

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND SIXTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN RELATING TO THE RECORDER'S COURT IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section twelve of Chapter seven hundred and sixty-two of the Public-Local Laws of one thousand nine hundred and fifteen is hereby repealed and there is substituted in lieu thereof, the following:

Amending law regarding Recorder's Court in Warren County.

That the recorder's court created and established by this Act shall be opened each and every Monday morning at ten o'clock in the court house at the county seat unless some other day is fixed by the presiding judge and due notice thereof given to the members of the bar of Warren County, and said court shall continue in session from day to day until the business before it shall have been completed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

H. B. 244 CHAPTER 191

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY-EIGHT OF THE PUBLIC LOCAL-LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN SO AS TO INCREASE THE SALARY OF THE REGISTER OF DEEDS OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of Register of Deeds of Vance County.

SECTION 1. Section seven of Chapter two hundred and seventy-eight of the Public-Local Laws of one thousand nine hundred and nineteen, as amended by Chapter one hundred and two of the Public-Local Laws, extra session of one thousand nine hundred and twenty, is hereby amended by striking out the words and figures "two thousand five hundred dollars ($2,500.00)" in line two and inserting in lieu thereof the words and figures "three thousand dollars ($3,000.00)," so as to increase the salary of the Register of Deeds of Vance County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

H. B. 245 CHAPTER 192

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF COMMISSIONERS OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Vance County shall consist of five members to be nominated and elected as hereinafter provided, who shall serve for a term of two years and until their successors are elected and qualified. Board of Commissioners of Vance County to consist of 5 members to serve 2 years.

SEC. 2. For the purpose of nominating candidates for the Board of Commissioners of Vance County, the county shall be divided into the following districts: Nominations by Districts.

DISTRICT NUMBER ONE — District No. 1

That portion of Henderson Township lying within the corporate limits of the City of Henderson.

DISTRICT NUMBER TWO — No. 2

The remainder of Henderson Township lying outside of the corporate limits of the City of Henderson, except that portion of Henderson Township West of the main line of the Seaboard Air Line Railway and South of the Southern Railway running from Henderson to Oxford.

DISTRICT NUMBER THREE — No. 3

Watkins and Kittrell Townships and that portion of Henderson Township West of the main line of the Seaboard Air Line Railway and South of the Southern Railway running from Henderson to Oxford.

DISTRICT NUMBER FOUR — No. 4

Townsville, Williamsboro and Dabney Townships.

DISTRICT NUMBER FIVE — No. 5

Middleburg, Sandy Creek and Nutbush Townships.

SEC. 3. At the regular Democratic primary to be held in one thousand nine hundred and forty-six for the nomination of candidates for the general county officers of Vance County, and

biennially thereafter, the qualified electors of said county shall nominate one person from each district established in Section two of this Act to be a candidate for election to the Board of Commissioners of Vance County at the next succeeding general election for county officers: *Provided,* that any county commissioner, elected for a term of four years at the general county election held in one thousand nine hundred and forty-four, shall be privileged to serve out his term, and no candidate shall be nominated or elected from the district in which he resides at the primary or election to be held in one thousand nine hundred and forty-six.

One nominee from each District.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

H. B. 250 CHAPTER 193

AN ACT TO AMEND THE CHARTER OF THE CITY OF ELIZABETH CITY IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Amending Charter of Elizabeth City.

SECTION 1. That Sections one and two of Chapter three hundred and fourteen, Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same are hereby repealed.

Term of office of Mayor and Aldermen.

SEC. 2. That the term of office of all members of the Board of Aldermen and the Mayor of Elizabeth City shall expire on the first Monday in June, one thousand nine hundred and forty-seven and that at the next regular municipal election following the ratification of this Act, and every two years thereafter there shall be elected two members of the board of aldermen from each of the four wards of said city, and a mayor, by the electors of the city at large.

Method of election.

SEC. 3. That an election shall be held for the City of Elizabeth City on Tuesday after the second Monday in May, one thousand nine hundred and forty-seven for the election of two aldermen from each of the four wards of the City of Elizabeth City and for the election of a mayor. The two persons from each ward of the city receiving the largest number of votes for the office of alderman shall be declared the aldermen from said ward. The person receiving the largest number of votes for the office of mayor shall be declared the Mayor of Elizabeth City, the said aldermen and mayor to hold office for two years, and biennially thereafter, there shall be held an election in Elizabeth City for the election of eight aldermen and a mayor.

Board of Elections of Pasquotank County to handle the election.

SEC. 4. The aforesaid municipal election shall be called and notice thereof given by the Pasquotank County Board of Elections, and the said board of elections shall act in connection with the said municipal election, and have full power and authority to conduct the same, in the same manner and to the same extent that it acts in connection with county elections. Said board shall give at least thirty days notice of said election. Each ward in said city shall constitute an election precinct and said board shall designate the polling places for each ward.

Said Board to appoint Registrar and Judges of Election.

SEC. 5. That the said board of elections shall select, at the time of calling a municipal election as aforesaid, one person of good character for each election precinct, who shall be a qualified voter in said precinct, who shall act as register of voters of such precinct. At the same time the said board shall appoint two judges of election, who shall be of different political parties, when possible, and persons of good character, able to read and write and qualified electors in their respective precincts, in each election precinct in said city. Said board shall publish the names of the registrars and judges of election, and of the polling places, and the time of election in a newspaper published in Elizabeth City.

Oath of Registrar and Judges of Election.

SEC. 6. The oath and duties of the registrars and judges of election shall be the same as those now prescribed by law.

Registration books.

SEC. 7. It shall be the duty of said board of elections to cause a registration to be made of all the qualified voters residing in Elizabeth City under the present rules and regulations. The duties and authority in connection with municipal elections heretofore vested in the Board of Aldermen of Elizabeth City shall, from and after the ratification of this Act, be vested in the Pasquotank County Board of Elections. Said board of elections shall appoint registrars and judges of elections in the event of a vacancy between their first appointment and the date of the election. The registration book shall be furnished and kept open as now provided. The duties of the registrars and judges of election shall be the same as those now provided. Ballot boxes shall be provided and ballots prepared under the direction of said board of elections. The registrars and judges of election shall report the results of each election to the Pasquotank County Board of Elections, which shall act as a board of canvassers, who shall receive and declare the election as at present provided. Said board of elections shall report the results of said election to the office of the Mayor of Elizabeth City and to the Clerk of the Superior Court of Pasquotank County, which said report shall constitute the final record of said election. That the provisions of this Act relating to the election of aldermen shall apply to the holding of other municipal elections in Elizabeth City.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed to the extent of said conflict. That Chapter fifteen, of the Private Laws of one thousand nine hundred and twenty-three, is hereby amended in accordance with the foregoing provisions.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

H. B. 251 CHAPTER 194

AN ACT TO AUTHORIZE THE REMOVAL OF THE ESTATES OF WARDS TO THE COUNTY OF THE WARD'S RESIDENCE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter thirty-three of the General Statutes of North Carolina is hereby amended by adding thereto a new section to be numbered Section thirty-three - forty-nine point one and to read as follows:

Authorizing the removal of the estates of wards to the county of ward's residence.

SEC. 33-49.1. Transfer of guardianship. When any ward, mental defective, or mentally disordered person, for whom a guardian or trustee has been appointed, lives in a county in this State other than the county in which letters were issued to such guardian or in which such trustee was appointed, the trustee or guardian may, by petition filed with the clerk of court of the county in which letters were issued or in which he was appointed, transfer the guardianship or trusteeship to the county of the residence of the ward, mental defective or mentally disordered person. Upon the removal of such guardianship or trusteeship, the clerk of the court of the county to which it is removed shall have the same powers and authority as he would have had if he had originally issued the letters of guardianship or appointed the trustee, and all reports and accounts required by law to be filed by the guardian or trustee shall be filed with the clerk of the court of the county to which such guardianship or trusteeship is removed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

H. B. 288 **CHAPTER 195**

AN ACT PROVIDING FOR PAYMENT OF ELECTION OFFICERS BY MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Compensation for election officials to be paid by Mecklenburg County.

SECTION. 1. That the precinct election officers of Mecklenburg County shall be paid for their services by Mecklenburg County as follows: Registrars, for the first primary, fifty dollars, for the second primary, fifteen dollars, for an election, fifty dollars; judges and clerks or assistants, each seven dollars per day.

Compensation for election officials to be paid by Charlotte.

SEC. 2. The precinct election officers of Mecklenburg County shall be paid for their services by the City of Charlotte as follows: Registrars, for a city primary and election, sixty-five dollars; for an election without primary, fifty dollars ($50.00); judges and clerks or assistants, seven dollars per day.

Special counters may be employed.

SEC. 3. That the Board of Elections of Mecklenburg County is authorized to employ special counters for each State and county primary or election and for each city primary and election, for the purpose of assisting in counting the ballots. The registrars, judges, clerks or assistants and special counters shall count the ballots in as many squads or groups of four each as shall be deemed necessary by the chairman of the board of elections. The said counters shall be paid for their services by Mecklenburg County or the City of Charlotte such sums as shall be prescribed by the Board of County Commissioners or the governing body of the City of Charlotte respectively.

Compensation for Board of Elections of Mecklenburg County.

SEC. 4. That Mecklenburg County, in all State and county primaries and elections, and the City of Charlotte, in all city primaries and elections, shall pay to the chairman and members of the Board of Elections of Mecklenburg County, such amounts for their services as the Board of County Commissioners or the governing body of the City of Charlotte shall respectively order or prescribe.

County Commissioners may order payment of additional amounts.

SEC. 5. That the Board of Elections of Mecklenburg County is authorized to expend such additional amounts for expenses in any primary or election as shall be ordered by the Board of Commissioners of Mecklenburg County or the governing body of the City of Charlotte respectively.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in force and effect from and after its ratification.

Ratified this the 20th day of February, 1945.

S. B. 48 **CHAPTER 196**

AN ACT RELATING TO THE ASSIGNMENT OF, AND LIENS UPON, ACCOUNTS RECEIVABLE.

The General Assembly of North Carolina do enact:

SECTION. 1. Definitions. In this Act, unless otherwise clearly indicated by the context:

Definitions.

(1) "Account" or "Account receivable" means a presently subsisting right to the present or future payment of money—

(a) under an existing contract,

(b) not including a building or construction contract,

(c) the assignment of which right is not subject to special statutory provisions not contained in this Act,

(d) which right to payment is not secured under a chattel mortgage, deed of trust, conditional sale, or other instrument, which is required to be recorded in order that no assignee from the assignor and no creditor of the assignor can after such recordation acquire any rights in the account assigned, or in the proceeds thereof in any form, superior to the rights of the beneficiary of such recorded instrument, and,

(e) which right to payment is not represented by a judgment, negotiable instrument, or other instrument, the surrender, presentation, possession or indorsement of which customarily gives to the owner, holder or indorsee the right to payment thereon.

(2) "Assignee," "assignment," "assignor," and "debtor" are limited respectively to assignee, assignment, and assignor of, and a debtor on, an account receivable.

(3) "Assignment" includes an assignment for value as security and the creation by agreement of a lien on an account.

(4) "Assignee" and "assignor" shall include persons, firms, partnerships, associations and corporations. "Assignee" and "assignor" in Section two shall include prospective assignees and assignors.

(5) "Filing assignee" or "filing assignor" means a person, firm, partnership, association or corporation designated as assignee or assignor in a recorded notice of assignment.

(6) "Value" means any consideration, other than a seal, sufficient to support a simple contract. An antecedent claim of any kind against any person, firm, partnership, association or corporation constitutes value when an account or other property is taken in satisfaction therof or as security therefor.

SEC. 2. Filing of notice of assignment: Certificate.

Filing notice of assignment of Accounts Receivable.

(1) The assignment of accounts receivable may be protected by the filing of a statement to be known as a "notice of assignment" which shall be signed by the assignor and the assignee and acknowledged by the assignor before an officer authorized to take acknowledgments, and probated as other instruments are now probated, which shall contain:

Information regarding assignor and assignee.

(a) The name and mailing address within this State of both assignor and assignee, or if either the assignor or the assignee has no mailing address within the State, the mailing address outside the State,

Intention of assignment.

(b) A statement that the assignor has assigned or intends to assign, or has assigned and intends to assign one or more accounts to the named assignee.

Description of account.

(2) It shall not be necessary to describe the account or accounts in any manner in the notice of assignment.

Notice to be filed in Registry of County of Assignor.

(3) The place for filing the notice of assignment shall be the office of the register of deeds of the county wherein the assignor, if an individual, resides; or if a domestic or domesticated corporation, in the county wherein said corporation has its statutory principal place of business in this State. If the assignor is a resident or nonresident firm, partnership, association or a nonresident individual or a foreign undomesticated corporation, then the notice of assignment shall be filed in the office of the register of deeds of any county wherein the assignor has a place of business.

Assignment for definite period.

(4) The notice of assignment shall be for a definite period of time stated therein, but may be extended for a definite period of time by a statement containing the book and page where the original notice of assignment is recorded, and signed, probated and recorded in the same manner as the notice of assignment. Any such extension statement must be filed within the period of time prescribed in the original notice of assignment or last extension thereof and when filed shall be effective as of the time of the filing of the original notice of assignment.

(5) An account shall be deemed located in this State:

Location of account.

(a) if the transaction out of which the account arose occurred in this State, or if payment is to be made in this State, or

(b) if the account has been transferred to this State so that the place of payment of the account is in this State, or

(c) in all other cases where an account is deemed located in this State under general rules of law.

Register of deeds to keep index.

(6) The register of deeds shall index and record each notice of assignment, or extension statement, in the same manner as chattel mortgages; and for indexing and recording the same the register of deeds shall receive the same fee as is provided by law for the recording and indexing of short form chattel mortgages.

Cancellation of assignment.

(7) The notice of assignment may be cancelled of record at any time by the assignee or by his duly authorized attorney in fact, or upon presentation by the assignor or the assignee of the original notice of assignment marked satisfied in full by the assignee, but such cancellation shall not affect the protection afforded to accounts already assigned under a protected assignment. The cancellation of the original notice of assignment shall operate as a cancellation of all extension statements.

SEC. 3. Filing of notices of discontinuance of assignment.

Filing notice of discontinuance of assignment.

(1) A filing assignor may at any time file a "notice of discontinuance of assignment," signed by him and designating the book and page where the original notice of assignment to be discontinued is recorded, stating that he will not make any further assignments to the designated assignee after a specified date. Such notice, to be effective, shall be receipted for by the assignee or accompanied by an affidavit that a copy has been forwarded to the assignee by registered mail and such affidavit shall state the registration number. The filing of such notice of discontinuance shall not affect the protection afforded to accounts already assigned under a protected assignment.

Register of Deeds to index notices of discontinuance of assignments.

(2) The register of deeds shall record such notices of discontinuance and index same as required for chattel mortgages, and shall make an entry of the filing thereof upon the recorded notice of assignment to which it relates. For recording a notice of discontinuance of assignment and making the entry, the register of deeds shall receive the fee allowed by law for the recording and indexing of short form chattel mortgages.

SEC. 4. Protected assignments.

(1) An assignment becomes protected:

Protection of Assignments.

(a) at the time of the filing of a notice of assignment contemporaneously with, or subsequently to, such assignment, or

(b) at the time of the filing of the notice of assignment, as to an assignment made after the filing of the notice of assignment, if the assignment is taken within the period specified in the notice of assignment or in any extension statement or on or before the date specified in the notice of discontinuance of assignment, or

(c) if no notice of assignment is on file in accordance with the provisions of Section two of this Act, then upon the giving of written notice to the debtor that the account has been assigned to the named assignee.

(2) When an assignment becomes protected, it shall be deemed to have been fully perfected at that time, and no bona fide purchaser from the assignor, no creditor of any kind of the assignor, and no other assignee or transferee of the assignor, in any event shall have, or be deemed to have, acquired any right in the account so transferred or in the proceeds thereof, or in any obligation substituted therefor, superior to the right of the protected assignee therein.

(3) As between protected assignees the one who first protects his assignment has the superior right.

Statement of accounts assigned.

SEC. 5. Statement of accounts assigned or of balance due. The assignee shall, upon written demand of the assignor, furnish the assignor with a statement in writing of the balance due by the assignor to the assignee and a list of all accounts assigned as security therefor. Any third person who in good faith acts upon said information and furnishes valuable consideration in reliance thereon shall be protected.

Rights between debtor and assignee.

SEC. 6. Rights between debtor and assignee. In any case where, acting without actual knowledge of an assignment of an account to a protected assignee, the debtor in good faith pays all or part of the account to the assignor, or to a creditor, subsequent purchaser, or other assignee or transferee, or other person holding a lien upon, or interest or right in or to such account, such payment shall be an acquitance and release to the debtor to the extent of such payment, and such person so receiving payment shall be a trustee of any sums so paid and shall be accountable and liable therefor to the assignee who, under the provisions of this Act, has superior rights and is entitled to such sums so paid by the debtor.

SEC. 7. Validity as to third person; acts of assignor; dominion and control.

Validity as to third persons.

The validity, effect, and relative priority or lien of a protected assignment of an account as to third persons shall not be affected by failure to notify the debtor thereof or by any act or omission of the assignor with respect to the assigned account or the proceeds thereof.

Any permission by the assignee to the assignor to exercise dominion and control over a protected assigned account or the proceeds thereof shall not invalidate the assignment as to third persons.

SEC. 8. Returned Goods.

Protection to third persons.

(1) Where the assignor has possession of goods which gave rise to an assigned account, the interest of a protected assignee therein shall be superior to those of the general or judgment creditors of the assignor but subject to the rights of purchasers and lienees, who, in good faith, acquired their interest in the specific goods for value and without actual notice of the assignee's interest.

(2) The assignor shall hold in trust for the assignee:

(a) the proceeds of an assigned account in any form.

(b) goods which gave rise to the account in the assignor's possession, and

(c) the proceeds of the sale or lien referred to in (1) above.

(3) The assignment of an account includes the assignment of an account arising from a resale of the goods which gave rise to the assigned account.

SEC. 9. Prospective operation. This Act shall not apply to assignments made prior to the effective date of this Act.

SEC. 10. Short title. This Act may be cited as the Assignment of Accounts Receivable Act.

Conflicting laws repealed.

SEC. 11. Repeal of conflicting laws. All laws in conflict herewith are hereby repealed.

SEC. 12. Effective date. This Act shall take effect from and after May first, one thousand nine hundred and forty-five.

Ratified this the 21st day of February, 1945.

S. B. 75 **CHAPTER 197**

AN ACT AMENDING CHAPTER THREE HUNDRED AND SIXTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE RELATING TO THE REVISION AND CONSOLIDATION OF THE CHARTER OF THE TOWN OF LINCOLNTON.

The General Assembly of North Carolina do enact:

Amending Charter of Lincolnton.

SECTION. 1. That Chapter three hundred and sixty-nine of the Private Laws of one thousand eight hundred and ninety-nine entitled, "An Act to Amend, Revise, and Consolidate the Charter of the Town of Lincolnton," be amended by adding a new section following Section fifty-nine to be designated as Section fifty-nine-a, and to read as follows:

Authority to buy land and erect thereon City Hall.

SEC. 59-a. The Mayor and Board of Aldermen of the Town of Lincolnton are hereby authorized and empowered, in their discretion, to buy land within the corporate limits of the Town of Lincolnton for a city hall site, and to erect thereon a city hall and other municipal buildings.

Right of condemnation.

In the event the Mayor and Board of Aldermen of the Town of Lincolnton are unable to reach an agreement with the owners for the purchase of such land, and improvements thereon, they are authorized and empowered to condemn the same for such public use in the manner and under the procedure provided for in Article II, Chapter forty of the General Statutes of North Carolina and the determination of the governing body of the Town of Lincolnton of the lands necessary for such purposes shall be conclusive.

This section shall be in addition and supplementary to the powers granted in any Public Law of the State applicable to municipalities and the governing body of the Town of Lincolnton may in its discretion proceed in accordance with the provisions of its charter or the procedure outlined in the general laws of the State granting the rights of eminent domain to municipalities.

Amending 1915 Act.

SEC. 2. That Chapter two hundred and seventy of the Private Laws of one thousand nine hundred and fifteen, entitled, "An Act to Amend the Charter of Lincolnton," be amended by striking out in line two of Section ninety-five, the words "one hundred dollars," and inserting in lieu thereof the words "four hundred dollars" and that said section be further amended by striking out in line three thereof the words "fifty dollars" and inserting in lieu thereof the words, "two hundred and fifty dollars."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, 1945.

S. B. 80 **CHAPTER 198**

AN ACT RELATING TO AERONAUTICS; PROVIDING FOR THE DEVELOPMENT THEREOF WITHIN THIS STATE; CREATING A STATE AERONAUTICS COMMISSION, AND PRESCRIBING THE POWERS AND DUTIES OF SUCH COMMISSION, AND TO MAKE UNIFORM THE LAW WITH REFERENCE TO STATE DEVELOPMENT OF AERONAUTICS.

The General Assembly of North Carolina do enact:

Promotion of aeronautical interests in North Carolina.

SECTION 1. Declaration. It is hereby declared that the purpose of this Act is to further the public interest and aeronautical progress by providing for the protection and promotion of safety in aeronautics; by cooperating in effecting a uninformity of the laws relating to the development and regulation of aeronautics in the several states; and to grant to a State agency such duties that the State may properly perform its functions relative to aeronautics within the State and may assist in the promotion of a statewide system of airports, may cooperate with and assist the political subdivisions of this State and others engaged in aeronautics, and may encourage and develop aeronautics; by providing for cooperation with the Federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this State by assisting in accomplishing the purposes of Federal legislation and eliminating costly and unnecessary duplication of functions properly in the province of Federal agencies.

Creation of North Carolina Aeronautics Commission of 5 members to be appointed by the Governor.

SEC. 2. Aeronautics Commission — Creation — Membership. There is hereby created and established an aeronautics commission to be known as the "North Carolina Aeronautics Commission," to consist of five members who shall be appointed by the Governor and who shall continue in office as designated by the Governor at the time of appointment, through the last day of the fourth calendar year, respectively, following the passage of this Act. The successors of the members initially appointed shall be appointed for terms of four years in the same manner as the members originally appointed under this Act. Except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. All members of the commission shall be citizens and bona fide residents of the State. No member shall receive any salary for his services, but each shall be reimbursed for actual and necessary expenses incurred by him in the performance of his duties as approved by the Governor and Council of State, and not to exceed the sum of seven dollars per diem, spent in at-

Compensation of members.

tending to his duties as a commissioner. The members of the commission may be removed by the Governor for inefficiency, neglect of duty, or malfaeasance in office in the manner provided by law for the removal of other public officers for like causes.

Organization and meetings of Commission.

SEC. 3. Organization—Meetings—Reports. The Commission shall, within thirty days after its appointment, meet and organize. All regular and special commission meetings shall be open to the public. It shall report in writing to the Governor on or about December first of each year. Said report shall contain a summary of its proceedings during the preceding fiscal year, and such other information as it may deem necessary or useful, and any additional information which may be requested by the Governor. The fiscal year of the commission shall conform to the fiscal year of the State.

Annual reports to Governor.

Duties and powers of Commission.

SEC. 4. General Powers and Duties of Commission. The commission is empowered and directed to encourage, foster, and assist in the development of aeronautics in this State and to encourage the establishment of airports and other air navigation facilities.

Cooperation with Federal Government.

SEC. 5. Cooperation with Federal Government. It shall cooperate with and assist the Federal Government, the political subdivisions of this State, and others engaged in aeronautics or the promotion of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies. To this end the commission is empowered to confer with or to hold joint hearings with any Federal aeronautical agency in connection with any matter arising under this Act, or relating to the sound development of aeronautics, and to avail itself of the cooperation, services, records, and facilities of such Federal agencies, as fully as may be practicable, in the administration and enforcement of this Act. It shall reciprocate by furnishing to the Federal agencies its cooperation, services, records, and facilities, in so far as may be practicable.

Conformity with Federal legislation and regulations.

SEC. 6. Conformity to Federal Legislation and Rules. All rules and regulations prescribed by the commission under the authority of this Act shall be kept in conformity with the then current Federal legislation governing aeronautics and the regulations duly promulgated thereunder and rules and standards issued from time to time pursuant thereto.

Promotion of State legislation.

SEC. 7. Legislation. It may draft and recommend necessary legislation to advance the interests of the State in aeronautics and represent the State in aeronautical matters before Federal agencies and other State agencies.

Enforcement of aeronautical laws.

SEC. 8. Enforcement of Aeronautics Laws. It shall be the duty of every State, county and municipal officer charged with the enforcement of State and municipal laws to enforce and assist in the enforcement of this Act.

Federal grants.

SEC. 9. Federal Grants. If the Federal Government or any agency thereof requires a State agency to receive and disburse any airport assistance or development and maintenance funds, then and in that event the commission is authorized to accept and disburse such funds to the local units of government of this State. Such funds shall be deposited to the credit of the State Treasurer and shall be disbursed on warrants drawn against the State Treasurer by the State Auditor as directed by the commission.

Regulation of Aircraft, Airports and Air Instruction.

SEC. 10. Regulation of Aircraft, Airports, and Air Instruction. The general public interest and safety, the safety of persons receiving instructions concerning or operating, using or traveling in air craft, and of persons and property on the ground, and in the interest of aeronautical progress, the public officers of the State, counties and cities shall enforce the rules and regulations of the Civil Aeronautics Administration.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 12. That this Act shall take effect and be in force from and after its ratification.

Ratified this the 21st day of February, 1945.

S. B. 114 CHAPTER 199

AN ACT TO PRESCRIBE FEES FOR THE REGISTER OF DEEDS FOR CATAWBA COUNTY, AND TO REPEAL CHAPTER THIRTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATIVE TO RECORDING FEES IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Fees for recording certain instruments in Catawba County.

SECTION 1. That the Register of Deeds for Catawba County shall charge for registering any deed or building and loan deed of trust, authorized to be registered by said register, with certificate of probate and acknowledgment, containing not more than three copy sheets, one dollar and twenty-five cents, and for every additional copy sheet ten cents.

Same.

SEC. 2. That the Register of Deeds for Catawba County shall charge for registering any real estate mortgage or deed of trust or other writing, authorized to be registered by said register, with certificate of probate and acknowledgment, containing not

more than three copy sheets, one dollar and fifty cents, and each additional copy sheet ten cents.

Same.

SEC. 3. That the fees for registering short form lien bond, or lien bond and chattel mortgage combined, or chattel mortgage or title note, shall be fifty cents; Production Credit Association Crop lien and chattel mortgage, sixty cents, and Farm Security Administration crop liens and chattel mortgages seventy-five cents.

Repealing Chapter 33, 1939 P. L.

SEC. 4. That Chapter thirty-three of the Public Laws of one thousand nine hundred and thirty-nine is hereby repealed.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Does not apply to Discharges of Veterans.

SEC. 6. That nothing in this Act is intended to repeal the present law relative to registering discharges of any person from the Armed Forces of the United States.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, 1945.

S. B. 123 CHAPTER 200

AN ACT TO AUTHORIZE THE METHOD OF SELECTION OF TRUSTEES OR DIRECTORS OF NONPROFIT, NONSTOCK CORPORATIONS, AMENDING SECTION FIFTY-FIVE - FORTY-EIGHT OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section fifty-five - forty-eight of the General Statutes of North Carolina be amended by adding at the end of this section the following:

Procedure for selection of Trustees or Directors of nonprofit, nonstock corporations.

Every nonprofit, nonstock corporation which has been or may be organized under the laws of this State may, in its charter or bylaws, provide for the selection of its board of trustees or board of directors by election by the members or subscribers, or by selection by other designated associations, corporations or individuals, or by any combination of such methods of election set forth in the charter or bylaws.

Validating of selections previously made.

SEC. 1½. The selection of any board of trustees or board of directors of a nonprofit, nonstock corpration by any of the methods authorized by this Act is hereby ratified, validated and confirmed, and the acts of any such board shall be construed to be the acts of the corporation: *Provided,* that this section shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, 1945.

S. B. 142 CHAPTER 201

AN ACT TO AMEND SECTION TWO - FORTY-SIX OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO REPORTS OF THE CLERK OF THE SUPERIOR COURT OF LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Amending law regarding Annual Report of Clerk of Superior Court of Lenoir County.

SECTION 1. That Section two - forty-six of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

In the event the accounts of the Clerk of the Superior Court of Lenoir County are audited at least once each year by a certified public accountant employed for that purpose by the board of county commissioners, the annual report required by this section shall not be required of the Clerk of the Superior Court of Lenoir County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, 1945.

S. B. 181 CHAPTER 202

AN ACT PROVIDING FOR AN EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF LEAKSVILLE.

The General Assembly of North Carolina do enact:

Extending limits of Leaksville.

SECTION 1. That the corporate limits of the Town of Leaksville be and the same are hereby extended so that the corporate limits shall include the following boundary, viz:

New corporate limits.

Beginning at intersection Center Church Road with Hamilton Street, at the old city limits; thence with Center Church Road to Price Street; thence North and continuing with the line of Price Street crossing Irvin Avenue and continuing through Matrimony Heights Subdivision to the line between Matrimony

Heights and Oakland Subdivisions; thence westwardly with the line between the Matrimony Heights and Oakland Subdivisions and continuing with Matrimony Heights and Leaksville Mercantile Subdivisions to a point four hundred (400) feet West of the line of Spring Street in the Leaksville Mercantile Subdivision; thence northwardly crossing the Spence Spring Branch and continuing to the run of the Branch or drain between the Lane property and the Leaksville Mercantile property subdivisions; thence up said branch or drain the divisional line between the Lane and Mercantile property aforementioned and continuing in that direction crossing Oakland Avenue at the Fair Ground section to a point four hundred (400) feet at right angles from Oakland Avenue; thence southeastwardly to the line of Fourth Street in the Oakland-Dunn property line; thence with Fourth Street through the Oakland Subdivision, crossing Union, Bryant and Hamilton Streets to a point intersecting the old Spray Water Power and Land Company, projected northwestwardly; thence southeastwardly with the line of Spray Water Power and Land line projected crossing Church Street and Primitive Street to the old Pine Corner; thence continuing with the said Spray Water Power and Land Company's old line and paralleling Holingsworth Street, crossing Pine Street, Oak Street, the Boulevard, Morehead Street, Early Street, Vine Street and Chestnut Street to the line of Danville and Western Railway; thence northeastwardly with the Danville and Western Railway four hundred (400) feet to a point; thence southeastwardly paralleling said Spray Water Power and Land Company's line, crossing Boone Road to a point intersecting a line paralleling the long tangent on Highland Drive four hundred (400) feet eastwardly and at right angles therefrom; thence southwardly and paralleling the long tangent of Highland Avenue and the curb of Highland and four hundred (400) feet eastwardly therefrom to a point on Dan River below the site of the old wooden bridge; thence up Dan River to the mouth of Tanyard Branch; thence with the present corporation line of the Town of Leaksville to the point of beginning.

New corporate limits.

SEC. 2. The Rockingham County Board of Elections shall within any time within two years from the passage of this Act call an election to be within ninety days after said call, *provided* that the Town Board of Commissioners of the Town of Leaksville shall by resolution request the said Rockingham County Board of Elections to call such election to determine whether or not such territory described above shall be annexed. If no such resolution requesting the Rockingham County Board of Elections to call said election is presented by the Town Board of Commissioners of the Town of Leaksville within two years from the passage of this Act, the same shall thereafter become null and void and inoperative.

Rockingham County Board of Elections to call election if Commissioners of Leaksville request same within two years.

Form of call for election, is requested.

SEC. 3. In the event such resolution is presented to the Rockingham County Board of Elections by the Town Board of Commissioners of the Town of Leaksville any time within two years from the passage of this Act, requesting such election, the call therefor, shall:

A. Describe the territory to be annexed to the town.

B. Provide that the matter of annexation of such territory shall be to a vote of the qualified voters of said town and of the territory proposed to be annexed, voting together.

C. Provide for a new or special registration of voters in the territory proposed to be annexed for said election.

D. Designate the voting precincts or places for such an election.

E. Name the registrars and judges of election and other necessary officials.

F. Make all necessary provisions for holding and conducting of said election and the canvassing of the returns and the declaration of results. Said call shall be published in one or more newspapers published in said town, once a week for four successive weeks prior to said election.

Form of ballot.

SEC. 4. That at such election those voters who favor extending the corporate limits as herein provided shall vote ballots on which shall be written or printed the words "FOR EXTENSION" and those opposed shall vote ballots on which shall be written or printed the words "AGAINST EXTENSION." If at such election the majority of the votes cast shall be for extension, then from and after the following January after said election, the territory and its citizens and property shall be annexed to said town and included within its corporate limits and shall be subject to all laws, ordinances, regulations enforced in said town.

Rate of tax in annexed area may differ from rate in present area.

SEC. 5. If and when said election is held and the majority of the votes are for extension of the limits for said area to be annexed to said town, the board of commissioners of said town may in their discretion establish different rates of tax in the area now incorporated in the town and the area annexed in accordance with the provisions of this Act.

Tax funds collected in old area are not to be used in constructing improvements in new area.

SEC. 6. If and when said election is held and the majority of the votes cast are for extension of the limits, the officials of the Town of Leaksville shall maintain a separate account system for taxes collected in the newly incorporated area and all improvements hereafter undertaken in the area incorporated by this Act shall be financed exclusively from the funds collected in the area whether such funds are collected from taxes or utilities.

No tax funds collected in the area embraced in the old Leaksville corporate limits shall be utilized for the purpose of constructing new improvements in the area herein incorporated.

Procedure in electing Mayor and Commissioners, if limits be extended.

SEC. 7. If and when said election is held and the majority of the votes cast are for extension of the limits, the mayor and the board of commissioners shall be elected as follows:

Two commissioners shall be elected from the area incorporated by virtue of this Act and three commissioners shall be elected from the area composing the old Leaksville corporate limits as established before the incorporation of the area herein mentioned. The mayor shall be elected by the voters at large. If at the election herein mentioned, the majority of the votes cast are for extension of the limits, this section shall be construed as an amendment to the charter of the Town of Leaksville to the extent herein mentioned. Nothing herein contained shall be construed to change the procedure of holding such elections. All elections shall be conducted in accordance with the charter and State law.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 21st day of February, 1945.

H. B. 42 CHAPTER 203

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY, SECTION FOUR HUNDRED AND TEN, OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Amending law regarding meetings of governing bodies of municipalities.

SECTION 1. Chapter one hundred and sixty, Section four hundred and ten, of the General Statutes of North Carolina is hereby amended by adding the following definition at the end of said section: Monday shall mean the first regular meeting day of the governing body of a municipality on or after the Monday mentioned in the County Fiscal Control Act.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, 1945.

H. B. 118 CHAPTER 204

AN ACT WITH REFERENCE TO THE MANNER OF EXECUTION OF INSTRUMENTS BY ATTORNEYS IN FACT.

The General Assembly of North Carolina do enact:

Relating to the execution of instruments by Attorneys in Fact.

SECTION 1. That Chapter forty-seven, entitled "Probate and Registration," of the General Statutes of North Carolina be, and the same hereby is, amended by adding thereto an additional article, to be designated "Article VI, Execution of Powers of Attorney," and the following section:

Instruments can be executed either in the name of the principal by the attorney in fact or in the name of the latter as attorney in fact for the principal.

SEC. 47-114. That any instrument in writing executed by an attorney in fact shall be good and valid as the instrument of the principal, whether or not said instrument is signed in the name of the principal by the attorney in fact or by the attorney in fact designating himself as attorney in fact for the principal, from which it will appear that it was the purpose of the attorney in fact to be acting for and on behalf of the principal mentioned or referred to in the instrument. This section shall not affect any pending litigation or the status of any matter heretofore determined by the courts. This Act shall apply to all such instruments heretofore or hereafter executed. Registers of deeds shall be required to index all such instruments filed for registration both in the name of the principal or principals executing the power of appointment and in the name of the attorney in fact executing the instrument: *Provided,* that instruments heretofore registered and indexed only in the name of the attorney in fact shall be valid and in all respects binding upon the principal or principals in so far as validity of registration is concerned.

Registers of deeds should index both the principals and attorneys in fact.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, 1945.

H. B. 194 **CHAPTER 205**

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, CREATING A RECORDER'S COURT IN NASH COUNTY, AND CHAPTER SEVEN HUNDRED AND SIXTY-EIGHT OF THE LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, GIVING SAID COURT JURISDICTION IN DIVORCE ACTIONS.

The General Assembly of North Carolina do enact:

Amending law regarding Recorder's Court of Nash County.

SECTION 1. That Section three, Chapter one hundred and seventy-six, of the Public-Local Laws of one thousand nine hundred and eleven, be amended by striking out in lines four, five, six, and seven, "that where counsel for both plaintiff and defendant shall agree to hear a case on any given day of the week, it shall be lawful for the recorder to try it, if he shall consent to do so," and inserting in lieu thereof, the recorder may, in his discretion, fix any other day and time for the holding of said court.

Relating to trial of divorce actions in the Recorder's Court of Nash County.

SEC. 2. That Section two, Chapter seven hundred and sixty-eight, of the laws of one thousand nine hundred and forty-three, be changed to read as follows: That Section four, Chapter four hundred and ninety-nine, of the Public-Local Laws of one thousand nine hundred and twenty-five, be amended by adding at the end thereof, the jury to try divorce actions shall be twelve in number and may be composed entirely of talismen to be summoned by order of the recorder, in a manner similar to that provided in Section nine-eleven of the General Statutes of North Carolina, or may be drawn from the jury box by the county commissioners in the same manner as jurors are drawn for the superior court, or by the clerk of the recorder's court, in the presence of the register of deeds, and if drawn from the box, the number shall not be less than twelve nor more than eighteen, and the clerk shall issue a proper writ to the sheriff of the county, commanding him to summon the jurors to appear at court on the day set for the trial of actions. Jurors whose names are drawn from the jury box shall receive the same pay as jurors in the superior court, and talismen shall receive not to exceed three dollars per day, the amount to be fixed by the county commissioners, and the pay of said jurors shall be taxed in the bill of cost against the party required to pay the cost.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, 1945.

H. B. 212 CHAPTER 206

AN ACT ENABLING GUILFORD COUNTY AND CERTAIN MUNICIPALITIES LOCATED THEREIN TO ISSUE BONDS AND LEVY AD VALOREM TAXES FOR AIRPORT FACILITIES IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Issuance of bonds by Guilford County and certain municipalities therein for airport facilities, provided voters approve.

SECTION 1. That Guilford County, City of Greensboro, City of High Point, and Town of Gibsonville, severally, or in any combination, are hereby authorized and empowered to issue notes, bonds or other certificates of indebtedness, and to pay said obligations and interest thereon, by levying ad valorem taxes in an amount sufficient to pay same when due, to lend their credit or guarantee the payment of any obligation of the Greensboro-High Point Airport Authority, or to levy an annual ad valorem tax for the promotion, purchase, operation, repair, maintenance, expansion or construction of airports, airport facilities, equipment, buildings and parking areas in Guilford County, provided a majority of the qualified voters in the respective political subdivisions approve same at an election called and held for any or all of said purposes.

Elections to be held in accordance with provisions of General Statutes.

SEC. 2. That for any of the purposes set out in Section one hereof, the elections in Guilford County shall be called and held as provided by the provisions of Chapter one hundred and fifty-three, Article IX, of the General Statutes of North Carolina, and the elections in the City of Greensboro, City of High Point or Town of Gibsonville shall be called and held as provided by the provisions of Chapter one hundred and sixty, Article XXVIII, of the General Statutes of North Carolina.

Provisions of County Finance Act and Municipal Finance Act shall apply.

SEC. 3. That any obligation issued under authority of this Act by Guilford County shall be pursuant to the County Finance Act and any obligation issued by the City of Greensboro, City of High Point, or Town of Gibsonville shall be pursuant to the Municipal Finance Act.

Governing bodies of Guilford County and Cities of Greensboro, High Point and Gibsonville are authorized to contract with and pay funds to Greensboro-High Point Airport Authority.

SEC. 4. That the governing bodies of Guilford County, City of Greensboro, City of High Point, or Town of Gibsonville, are hereby authorized and empowered to give, pay over or to enter into an agreement or contract with the Greensboro-High Point Airport Authority for receiving, administering and expending any funds obtained under authority of and for the purposes set forth in Sections one and two of this Act, and to carry out in

their several political subdivisions the purposes and intents of this Act.

Does not repeal certain statutes.

SEC. 5. That nothing contained herein shall be construed to repeal any of the provisions of Chapter ninety-eight of the Public-Local Laws of one thousand nine hundred and forty-one, and as amended by Chapter six hundred and one of the one thousand nine hundred and forty-three Session Laws of North Carolina.

No limitation on powers of Guilford County or Greensboro, High Point or Gibsonville.

SEC. 6. That this Act shall not be construed as a limitation upon any of the powers of Guilford County, City of Greensboro, City of High Point, or Town of Gibsonville to contract any debt, pledge its faith or loan its credit, or to levy or collect any tax, which shall be lawful under the provisions of the Constitution of North Carolina.

Relating to constitutionality of Act.

SEC. 7. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed notwithstanding any charter provision or any city or town or any public, local or private act.

SEC. 9. This Act shall take effect from and after its ratification.

Ratified this the 21st day of February, 1945.

H. B. 240 CHAPTER 207

AN ACT TO AMEND SUBSECTION SIX OF SECTION ONE HUNDRED AND FIFTY-THREE - NINE OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GASTON COUNTY TO LEVY A TAX NOT TO EXCEED TEN CENTS ON THE ONE HUNDRED DOLLAR VALUATION OF PROPERTY FOR THE PURPOSES SET OUT IN SAID SECTION.

The General Assembly of North Carolina do enact:

Relating to certain tax rates in Gaston County.

SECTION 1. Subsection six of Section one hundred and fifty-three - nine of the General Statutes of North Carolina is hereby amended by striking out the words "five cents" in line nine and inserting in lieu thereof the words, "ten cents."

SEC. 2. This Act shall apply only to Gaston County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provision of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, 1945.

H. B. 243 CHAPTER 208

AN ACT TO VALIDATE THE OFFICIAL ACTS OF JOHNNY GARRISON, A JUSTICE OF THE PEACE IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Validating certain acts of Johnny Garrison as Justice of Peace in Pender County.

SECTION 1. That each and all of the official acts of Johnny Garrison, a justice of the peace appointed by J. T. Moore, Clerk of the Superior Court of Pender County, on April five, one one thousand nine hundred and thirty-seven, December five, one thousand nine hundred and thirty-eight, and December twenty, one thousand nine hundred and forty, performed after April five, one thousand nine hundred and thirty-seven, and prior to December two, one thousand nine hundred and forty-two, performed under color of his office are hereby in all respects validated, ratified and confirmed. The foregoing shall not be construed as to validate any act done by the said Johnny Garrison which is presently the subject matter of any pending litigation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, 1945.

H. B. 257 CHAPTER 209

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MOORE COUNTY TO ADJUST DELINQUENT TAXES.

The General Assembly of North Carolina do enact:

Commissioners of Moore County authorized to adjust taxes.

SECTION 1. The County Board of Commissioners of Moore County is hereby authorized and empowered to adjust, reduce, compromise, agree upon or otherwise settle any delinquent taxes now due Moore County or any taxes which hereafter may become delinquent.

SEC. 2. That this power of compromise, adjustment and settlement may be exercised regardless of whether any action at law or any proceeding whatsoever has been instituted to foreclose

any tax sales certificates or for the collection of said delinquent taxes.

Applies to past and future taxes.

SEC. 3. It is the intent and purpose of this Act that this power of adjustment and settlement shall be retroactive and apply to all delinquent taxes heretofore levied and now due as well as to all taxes that may in the future become delinquent.

Validated previous adjustments made by said Commissioners.

SEC. 4. All acts of the Board of County Commissioners of Moore County done heretofore in adjusting, settling and collecting any delinquent taxes whatsoever for any and all prior years are hereby approved, declared to be lawful and within the power of said commissioners and validated.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, 1945.

S. B. 132 CHAPTER 210

AN ACT AUTHORIZING THE TOWN OF BELMONT TO SELL CERTAIN LAND HERETOFORE DEDICATED TO IT FOR STREET PURPOSES WHICH ARE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.

The General Assembly of North Carolina do enact:

Authorizing Belmont to sell certain lands no longer needed as streets.

SECTION 1. That the Mayor and Board of Commissioners of the Town of Belmont be and they hereby are authorized and fully empowered in their discretion, to sell at public auction, after due advertisement, to the highest bidder for cash, the following described real estate which was dedicated to the Town of Belmont for street purposes and which is no longer needed for said purpose or for any municipal purpose:

Describing said lands.

Beginning at an iron stake in the edge of Woodrow Avenue in the Town of Belmont, Gaston County, a corner of the home place of R. L. Stowe, Sr., and runs thence with his line, South thirty-one and one-quarter East, approximately four hundred fifteen and six-tenths feet to an iron stake in the old property line of W. B. Puett, now R. L. Stowe, Jr., thence South sixty-six and one-half West, fifty feet to an iron stake in the property line of J. O. Hall's property and others, now the property of R. L. Stowe, Jr.; thence with his line and the property line of R. L. Stowe, Sr., North thirty-one and one-quarter West four hundred fifteen and six-tenths feet to an iron stake in the edge of Woodrow Avenue; thence with the line of Woodrow Avenue, North sixty-six and one-half East fifty feet to the beginning corner, all

of which is shown on map or plat made by A. W. Hoffman in February one thousand nine hundred and sixteen.

Mayor of Belmont authorized to execute deeds to said lands, when authorized by Town Commissioners.

SEC. 2. That the Mayor of the Town of Belmont be and he is hereby empowered and fully authorized to make and execute a deed conveying the title now vested in the Town of Belmont to the purchaser when so ordered by a majority of the Board of Commissioners of the Town of Belmont.

Disposition of funds obtained for said lands.

SEC. 3. That the proceeds arising from the sale of said property be paid to the Treasurer of said Town of Belmont to be expended by him for such purposes and in such manner as the board of commissioners of said town may direct.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

S. B. 171 CHAPTER 211

AN ACT TO ALLOW THE CITY OF DURHAM TO RELEASE ANY INTEREST IT AND THE PUBLIC GENERALLY MAY HAVE IN CERTAIN LANDS FOR THE PURPOSE OF PERMITTING LIGGETT AND MYERS TOBACCO COMPANY TO CROSS A PART OF MORGAN STREET FOR PRIVATE PURPOSES.

The General Assembly of North Carolina do enact:

Authorizing Durham to release interest in certain lands.

SECTION 1. That the governing body of the City of Durham is hereby authorized and empowered to permit by resolution, ordinance or other proceedings deemed advisable, or such papers as may be necessary to release the interest of the City of Durham and the public generally in and to that portion of Morgan Street situated, lying and being between the O'Brien Building of Liggett and Myers Tobacco Company on the South and said tobacco company's cooper shop building on the North, for the purpose of permitting said Liggett and Myers Tobacco Company to extend said O'Brien Building from the South over and across Morgan Street to the aforesaid cooper shop building on the North, with a clearance of not less than seventeen feet at any point above Morgan Street, said building to be constructed and used and said Morgan Street to be crossed for the benefit of said tobacco company and its business, and generally for its private purposes.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

S. B. 172 **CHAPTER 212**

AN ACT TO ALLOW THE CITY OF DURHAM TO RELEASE ANY INTEREST IT OR THE PUBLIC GENERALLY MAY HAVE IN CERTAIN LANDS FOR THE PURPOSE OF PERMITTING LIGGETT AND MYERS TOBACCO COMPANY TO CLOSE A PART OF FULLER STREET FOR PRIVATE PURPOSES.

The General Assembly of North Carolina do enact:

Authorizing Durham to release interest in certain lands.

SECTION 1. That the governing body of the City of Durham is hereby specifically authorized and empowered to execute and deliver to Liggett and Myers Tobacco Company such release deeds, quitclaim deeds, or other instruments in writing, and to take such further measures and proceedings as may be advisable or necessary to release the interest of the City of Durham and the public generally in and to that part of Fuller Street in the City of Durham, North Carolina, which is bounded by Main Street on the North, the right of way of North Carolina Railroad Company on the South, and the property of Liggett and Myers Tobacco Company on East and West, and to close and abandon said area for streets or other public uses and purposes for the express purpose of permitting said Liggett and Myers Tobacco Company to completely close the above designated part of said street for the benefit of said tobacco company and its business, and generally for its private purposes in consideration of the payment of the sum of seven thousand and five hundred dollars ($7,500.00) by said Liggett and Myers Tobacco Company to the City of Durham and the vacation and release by the City of Durham of its fire house now located on the North side of West Main Street in the block between Fuller Street and the Norfolk and Western Railway right of way.

Conflicting laws reptaled.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

S. B. 176 CHAPTER 213

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-FOUR OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATIVE TO THE ISSUING OF WARRANTS BY CERTAIN POLICE OFFICERS ACTING AS DESK OFFICER IN THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. Section one of Chapter three hundred and twenty-four of the Session Laws of one thousand nine hundred and forty-three is hereby amended by rewriting said section as follows:

Amending 1943 Act regarding issuance of warrants by certain officers of Statesville.

SECTION 1. Every police officer of the rank of sergeant, or of higher rank, of the City of Statesville, who is assigned to day or night duty as the desk officer, is hereby authorized to issue process for searches and seizures and for the apprehension of persons charged with the commission of any criminal offense in the City of Statesville or within one mile of the corporate limits thereof, in the same manner and under the same conditions and subject to the same restrictions relating to warrants as set out in Chapter fifteen of the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

S. B. 180 CHAPTER 214

AN ACT TO INCORPORATE THE COMMUNITY OF DRAPER, NORTH CAROLINA, INTO MUNICIPAL CORPORATION.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Incorporates Draper and confers general corporate powers.

SECTION 1. Incorporation and Corporate Powers. The inhabitants of the Town of Draper, North Carolina, within the boundaries as established in Section three of this charter or as hereafter established in the manner provided by law, shall be and the same is hereby created a body politic and corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such prop-

erty as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Draper shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Draper by this section:

Levy and collect taxes.

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

Furnish public services, acquire and operate public utilities, and grant utility franchises.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

Make public improvements.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

Adopt and enforce police and sanitary regulations.

(4) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this section shall be exercised.

Powers other than those enumerated.

SEC. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Draper shall have, and may exercise, all powers which, under the Constitution of North Carolina it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Corporate limits of Draper.

SEC. 3. Beginning at a point on the North bank of Dan River corner between the old Lucy Sharp and Bethel tracts of land and being South eighty-six degrees forty-five minutes East four hundred feet below the Dan River Steel Bridge on North Carolina Route seven hundred; thence up Dan River one thousand

nine hundred and forty-seven feet to the mouth of Covenant Branch; thence up the run of Covenant Branch as it meanders to the mouth of the branch draining the "Jamestown" section of Draper; thence up the run of said branch northwardly to a point four hundred feet South of the South line of Sharp Street extended; thence westwardly and parallel with Sharp Street to a point one thousand five hundred and eleven feet West of Forest Street, and two thousand two hundred and sixty-three and six tenths feet South of Virginia Avenue; thence northwardly two thousand two hundred and sixty-three and six tenths feet and parallel to the West line of Forest Street to Virginia Avenue; thence westwardly with Virginia Avenue approximately three thousand one hundred feet to the intersection with the power line of the Duke Power Company; thence northwestwardly with said power line and crossing Fieldcrest Road West, the Danville and Western Railway and Meadow Road to a point four hundred feet North of said Meadow Road; thence parallel with Meadow Road and four hundred feet therefrom eastwardly to a point four hundred feet West of Main Street; thence northwardly and parallel with Main Street to a point intersecting the North line of Findowrie Street extended; thence eastwardly with the North line of said Findowrie Street crossing Cascade Road to the French property line; thence southwardly with said French line to the run of the North fork of Dry Branch; thence down Dry Branch, crossing Meadow Road, the Danville and Western Railway to its crossing of the old Glenn, Bethel and Sharp property line; thence southwardly with said defined property line to the point of beginning and as more definitely shown by map dated October eighteen, one thousand nine hundred and forty-four.

BOARD OF COMMISSIONERS

Mayor and Board of Commissioners, consisting of five members, elected at large, for two years.

SEC. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of commissioners shall be for two years and until their successors are elected and qualified. If a vacancy occur in the office of mayor or commissioners, it shall be filled for the remainder of the unexpired term by majority vote of the remaining members of the board of commissioners. Each member of the board of commissioners shall receive a salary the amount of which shall be prescribed by ordinance. No ordinance fixing or changing the salary of members of the board of commissioners shall become effective during the current term of office of members of the board of commissioners enacting such ordinance. Members of the board of commissioners shall be qualified electors

Vacancies filled by Board.

Salary not to be changed during current term.

of the town. A member of the board of commissioners ceasing to possess any of the qualifications specified in this section, or convicted of crime while in office, shall immediately forfeit his office.

Forfeiture of office.

SEC. 5. Meetings of Board of Commissioners. At seven thirty p. m. o'clock on the first Monday following a regular municipal election the board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of commissioners or a committee thereof may by a three-fifth vote of all the members authorize an executive meeting.

Meetings not less than monthly.

Special meetings may be called.

Meetings open to public. An executive meeting can be decreed by three-fifth vote.

SEC. 6. Mayor and Mayor Pro Tem. At its first meeting following a regular municipal election the board of commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and to the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by a vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Board to elect mayor pro tem.

Duties of mayor.

SEC. 7. Board of Commissioners Rules. The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of

Commissioners serve as judge of elections.

Board has power over its members.

its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior and, by vote of not less than four members, may expel a member for disorderly conduct or the violation of its rules; but no member shall be expelled unless notified of the charges against him and given an opportunity to be heard in his own defense.

Majority of Commissioners constitute quorum.

SEC. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The

Adoption of an ordinance requires affirmative vote of a majority.

affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Procedure in adopting ordinances.

SEC. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, or all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Draper."

Time when ordinances become effective.

SEC. 10. When Ordinances and Resolutions Take Effect. Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the obard of commissioners shall take effect at the time indicated therein, but not less than

Emergency measures.

thirty days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined

in a preamble thereto. The affirmative vote of at least four members of the board of commissioners shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency by the board of commissioners except as defined in this section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

Ordinances must be authenticated and published.

SEC. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage a notice of such ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe by ordinance.

NOMINATIONS AND ELECTIONS

Election on Tuesday after first Monday in May in odd numbered years.

SEC. 12. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in odd numbered years. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Commissioners make rules for elections.

SEC. 13. Regulations of Elections. The board of commissioners shall make all needful rules and regulations, not inconsistent with this charter, for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud.

Nominations by petition signed by five electors.

SEC. 14. Nominations. Any qualified elector of the town may be nominated for mayor or the board of commissioners by petition of any five electors of the town who shall be designated as his sponsors. No elector shall sign more than one such petition, and should an elector do so, his signature shall be void as to the petition or petitions last filed. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. Nomination petitions shall be filed with the town clerk not earlier than ninety days nor later than thirty days before the election and shall be in the following form:

Form for nomination petition.

We, the undersigned five electors of the Town of Draper hereby nominate and sponsor.....
whose residence is.....for the
office of....., to be voted for at
the election to be held on the.....day of.....,
and we individually certify that we are qualified to vote for a

candidate for.....and that we have not signed any other nominating petition therefor.
Name .....
Street and Number .....

(Spaces for four more signatures.)

Acceptance of Nomination

I hereby accept the nomination for.....and agree to serve if elected.

Signature of Candidate.....
Date of filing.....

This petition is filed by.....
whose address is.....Street.

Procedure for handling nomination petitions.

The town clerk shall take and preserve the name and address of the person by whom each nomination is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of the nomination. Any candidate may withdraw his nomination not later than the last day for filing nomination papers by filing a notice of withdrawal with the town clerk. Within five days after the filing of a nomination petition the town clerk shall notify the candidate nominated and the person by whom the petition was filed whether or not the petition is found to be signed by the required number of qualified voters. If a petition is found insufficient the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition may be filed for the same candidate. The petition of each candidate nominated to be mayor or a member of the board of commissioners shall be preserved by the town clerk until the expiration of the term of office for which he has been nominated.

SEC. 15. Ballots. The full names of candidates nominated for mayor or the board of commissioners in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Preparation of ballots.

SEC. 16. Election of Mayor and Board of Commissioners. All members of the board of commissioners shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates, up to the number to be elected, who receive a majority vote shall be declared elected. If more than the number to be elected receive a majority vote, those receiving most votes shall be declared elected. A majority vote for the purposes of this section shall be a majority of a number of votes determined by dividing the total vote of all candidates by the number of persons for which each voter is entitled to cast a vote. If there are one or more positions for which no one is elected at the first election, a second election shall be held one week later. In the second election there shall be printed on the ballot twice as many names as there are positions to be filled, from the remaining candidates polling the largest numbers of votes in the first election. In this election the remaining positions shall be filled by declaring elected the several candidates polling the largest numbers of votes.

Mayor and Commissioners to be elected at large by majority of votes cast.

Procedure in run-off election.

ADMINISTRATIVE SERVICE

SEC. 17. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary; *provided,* that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Officers and employees to be selected by Commissioners to serve at their pleasure.

Commissioners determine duties and salaries.

SEC. 18. Town Clerk. The board of commissioners shall choose a town clerk. The town clerk shall keep the records of the board of commissioners and perform such other duties as may be required by law or the board of commissioners.

Town Clerk.

SEC. 19. Duties of Town Attorney. The town attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least five years. He shall be the chief legal adviser of and attorney for the town and all departments and offices thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the board of commissioners, to give advice in writing, when so requested; to the board of commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or

Town Attorney.

cases to which the town may be a party; to prosecute for all offenses against the ordinances of the town and for such offenses against the laws of the State as may be required of him by law; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of commissioners may by ordinance require. In addition to the duties imposed upon the town attorney by this charter or required of him by ordinance or resolution of the board of commissioners he shall perform any duties imposed upon the chief legal officers of municipalities by law.

Town Accountant.

SEC. 20. Duties of the Town Accountant. The town accountant shall prepare the budget in accordance with the general local government laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required; to maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town, and such subsidiary accounts and cost records as may be required by ordinance or by the board of commissioners for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the town government; to examine and approve all contracts, orders, and other documents by which the town incurs financial obligations, having ascertained before approval the moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls and other evidences of claims, demands, or charges against the town government and to determine the regularity, legality, and correctness of such claims, demands or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and the board of commissioners and to make monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the board of commissioners, and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained in any department or agency of the town government apart from or subsidiary to the general account; and to perform such other duties pertaining to the financial records of the town government as the board of commissioners may require by ordinance.

Town Tax Collector.

SEC. 21. Duties of Town Tax Collector. The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town.

Town Treasurer

SEC. 22. Duties of Town Treasurer. The town treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration or exchange.

Issuance of Bonds.

SEC. 23. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Procedure in making purchases.

SEC. 24. Purchase Procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars ($1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance.

Procedure in awarding contracts for public improvements.

SEC. 25. Contracts for Town Improvements. Any town improvement costing more than one thousand dollars ($1,000.00) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

Procedure in making contracts extending beyond one year.

SEC. 26. Contracts Extending Beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation within the town at least ten days before its passage by the board of commissioners.

Annual audits required.

SEC. 27. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon its completion. If an audit is required to be made by State officials under the provisions of State law for the inspection and audit of municipal accounts, the board of commissioners may accept such audit by the State as fulfilling the requirements of this section.

MISCELLANEOUS PROVISIONS

Town records open to inspection.

SEC. 28. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Prohibition of contracts in which an officer or employee has personal interest.

SEC. 29. Personal Interest. Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies, or services, except on behalf of the town as an officer or employee. Any wilful violation of this section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Oath of Office.

SEC. 30. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

Form of Oath of Office.

I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Draper and will faithfully discharge the duties of the office of .....

.....

Referendum on this Act.

SEC. 31. On the second Tuesday after the first Monday in May, the Rockingham County Board of Elections, shall conduct an election in the area herein described as the proposed corporate limits of the Town of Draper to determine whether or not the area described herein shall be incorporated as a municipal corporation and to elect members of the governing board if said area is incorporated.

Procedure in calling Referendum Election.

The call for said election shall:

(a) Describe the territory proposed to be incorporated.

(b) Provide that the question as to whether or not said area shall be incorporated shall be submitted to vote of the qualified voters of the area herein described.

(c) Provide for a special registration of voters in the territory proposed to be incorporated.

(d) Advise that a mayor and five commissioners will be elected to govern the town if incorporated.

(e) Designate the voting places for such election.

(f) Name the electors and judges of election.

Board of Elections of Rockingham County to call and hold proposed Referendum.

Said call shall be published in one or more newspapers once a week for four successive weeks prior to said election. The said Rockingham Board of Elections shall follow the regulations outlined in Chapter one hundred and sixty of the General Statutes of North Carolina for the registration of voters and conducting municipal elections in providing for the machinery for the election herein required to be conducted. All expenses attached to holding said election shall be advanced by the said county board of elections and the board of county commissioners are hereby authorized to appropriate funds for such purpose to the election board. If for any reason said board of commissioners refuses to appropriate funds for such purpose, the board of elections is hereby authorized to accept gifts for said purpose. If and when said area is incorporated, it shall return such funds as may have been expended for such purposes by the county board of elections to the county board of elections.

Form of ballots in Referendum.

SEC. 32. That at such election those voters who favor incorporating the area herein described shall vote ballots on which shall be written or printed the words "For incorporation" and

those opposed, shall vote ballots on which shall be written or printed the words "Against incorporation." If at such election a majority of the votes cast shall be "For incorporation" then from and after the day of the election said area shall become a municipal corporation and the charter contained in this Act shall be in full force and effect, and all inhabitants of the area within the boundaries as established in Section three herein shall be and the same is hereby declared to be a body politic incorporate and as such shall be entitled to all benefits prescribed by this Act and by the general laws for municipal corporations.

Mayor and Commissioners to be elected at same time as Referendum.

SEC. 33. At the time the said county board of elections issues a call for the election to be conducted on the question as to whether or not said area shall be incorporated, it shall also issue a call in the same manner for the election of a mayor and a board of five commissioners who will constitute the governing body of said municipality, if at the election herein provided for a majority of the votes cast shall be "For incorporation." Any qualified elector of the town may be nominated for mayor or the board of commissioners. Each candidate shall notify in writing, not later than one week before the date of said election, the county board of elections of his intention to become a candidate. The county board of elections shall follow the provisions of the General Statutes relating to municipal elections with respect to registration of voters, printing the ballots, the designation of polling places, the naming of registrars and judges, the counting of votes, the procedure in case of challenges, polling votes, and declaration of results. The Rockingham County Board of Elections is hereby authorized to make all other necessary provisions for holding and conducting of said election for said officers.

No town property taxes prior to 1946.

SEC. 34. If at said election the majority of the votes cast are "For incorporation" and the area is constituted a municipal corporation, all real and personal property shall not become taxable until January first, one thousand nine hundred and forty-six. This section shall not be construed as preventing said town from levying license taxes or other miscellaneous fees allowed by law.

Jurisdiction of Recorder's Court of Leaksville Township not to be divested.

SEC. 35. Nothing in this Act shall be construed as divesting Leaksville Township Recorder's Court of jurisdiction over the area herein described if the same is incorporated. The authorities of the area if it becomes incorporated shall have full use of the jail facilities provided by the Leaksville Township.

Constitutionality of this Act.

SEC. 36. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter.

SEC. 37. That all laws and clauses of laws inconsistent with this Act are hereby repealed. Conflicting laws repealed.

Ratified this the 22nd day of February, 1945.

S. B. 183 **CHAPTER 215**

AN ACT TO CHANGE THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN CATAWBA COUNTY, AMENDING SECTION FOURTEEN - THREE HUNDRED AND THIRTY-FIVE OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section fourteen - three hundred and thirty-five of the General Statutes be, and the same hereby is, amended by striking out the word "Catawba" in Subsection one of said section and by inserting in Subsection ten therof between the words "In" and "Harnett," the word "Catawba". Changing punishment for public drunkenness in Catawba County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 58 **CHAPTER 216**

AN ACT TO AMEND SECTION TWENTY - TWO HUNDRED AND EIGHTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE EXAMINATION OF SCHOOL BUS DRIVERS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section twenty - two hundred and eighteen of the General Statutes of North Carolina be amended by inserting in line thirteen, after the word "patrol," and before the word "and," the words, "or a representative duly designated by the Commissioner of Motor Vehicles,". Amending law relating to examination of school bus drivers.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 61 CHAPTER 217

AN ACT TO REPEAL SECTION ONE HUNDRED AND THIRTEEN - ONE HUNDRED AND TEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE CLOSED SEASONS OF FOX HUNTING IN SECERAL COUNTIES.

The General Assembly of North Carolina do enact:

Amending law relating to the closed seasons for fox hunting in certain Counties.

SECTION 1. Section one hundred and thirteen - one hundred and ten of the General Statutes of North Carolina is hereby repealed: *Provided,* the repeal of this section shall not affect the legal status of any local law listed thereunder as the same was prior to the adoption of the General Statutes of North Carolina by the General Assembly of one thousand nine hundred and forty-three.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February. 1945.

H. B. 119 CHAPTER 218

AN ACT TO PROVIDE FOR THE WITHHOLDING OF ACCUMULATED CONTRIBUTIONS OF THE STATE RETIREMENT SYSTEM FOR THE PURPOSE OF REPAYING EMPLOYERS WHO HAVE OVERPAID MEMBERS HEREOF.

The General Assembly of North Carolina do enact:

Amending law relating to certain provisions of State Retirement System.

SECTION 1. That Section one hundred and thirty-five - five, Subsection six, of Chapter one hundred and thirty-five, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by adding thereto the following proviso:

Provided, notwithstanding any other provisions of this chapter, that no part of any such sum shall be paid to such member until any amount due any employer by such member by reason of any outstanding overpayment of salary has been deducted therefrom and paid to such employer; *provided, further,* that notwithstanding any other provisions of this chapter, if such member fails to demand any part of such sum within sixty days from the day he ceases to be a teacher or State employee, any amount due any employer by such member by reason of any outstanding overpayment of salary shall be paid to such employer by the Retirement System upon demand and showing therefor by such

employer, in accordance with such regulations as the Board of Trustees of the Retirement System may prescribe.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 120 CHAPTER 219

AN ACT TO AMEND CHAPTER FIFTY-FIVE, SECTION FIFTY-FIVE - ONE HUNDRED AND FIFTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO REQUIRE RECEIVERS TO FURNISH PROOF TO THE COURT OF WRITTEN NOTICE TO CLAIMANTS PRIOR TO ISSUANCE BY THE COURT OF ANY ORDER OF DISTRIBUTION OR OF DISCHARGE.

The General Assembly of North Carolina do enact:

Amending law, relating to Receivers, to provide that no order for distribution be made until the Court be satisfied that written notice has been mailed to all claimants 20 days prior to hearing on motion for distribution.

SECTION 1. That Section fifty-five - one hundred and fifty-three of Chapter fifty-five of the General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by adding thereto the following proviso:

Provided that no court shall issue any order of distribution or order of discharge of a receiver until said receiver has proved to the satisfaction of the court that written notice has been mailed to the last known address of every claimant who has properly filed claim with the receiver, to the effect that such orders will be applied for at a certain time and place therein set forth and by producing a receipt issued by the United States Post Office, showing that such notice has been mailed to each of such claimant's last known address at least twenty days prior to the time set for hearing and passing upon such application to the court for said orders of distribution and/or discharge.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 122 CHAPTER 220

AN ACT TO PROTECT THE STATUS OF STATE EMPLOYEES GRANTED LEAVE OF ABSENCE FOR SERVICE IN THE ARMED FORCES OF THE UNITED STATES, THE MERCHANT MARINE OF THE UNITED STATES, OR FOR SERVICE OUTSIDE THE CONTINENTAL UNITED STATES WITH THE AMERICAN RED CROSS.

The General Assembly of North Carolina do enact:

Protecting the status of State employees on leave of absence in service in the Armed Forces, the Merchant Marine and foreign duty with Red Cross.

SECTION 1. Any employee of the State of North Carolina, who has been granted a leave of absence for service in either (1) the Armed Forces of the United States; or (2) the Merchant Marine of the United States; or (3) outside the Continental United States with the American Red Cross, shall, upon return to State employment, if reemployed in the same position and if within the time limits set forth in the leave of absence, receive an annual salary of at least (1) the annual salary the employee was receiving at the time such leave was granted; plus (2) an amount obtained by multiplying the step increment applicable to the employee's classification as provided in the classification and salary plan for State employees by the number of years of such service, counting a fraction of a year as a year; *provided* that no such employee shall receive a salary in excess of the top of the salary range applicable to the classification to which such employee is assigned upon return.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 185 CHAPTER 221

AN ACT TO AMEND SUBSECTION (f) OF SECTION NINETY-SIX - TEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE VENUE OF SUITS BROUGHT AGAINST THE UNEMPLOYMENT COMPENSATION COMMISSION AFTER PAYMENT OF TAXES UNDER PROTEST.

The General Assembly of North Carolina do enact:

Amending law, relating to venue of suits against Unemployment Compensation Commission after payment of taxes under protest.

SECTION 1. Amend Subsection (f) of Section ninety-six - ten of the General Statutes of North Carolina by inserting after the semi-colon appearing immediately after the word "demanded" in line twenty-four of said Subsection (f) the following: "such suit against the Unemployment Compensation Commission of

North Carolina must be brought in the Superior Court of Wake County, or in the county in which the taxpayer resides, or in the county where the taxpayer conducts his principal place of business;".

This Act is retroactive.

SEC. 2. This Act shall have retroactive effect and shall apply to actions now pending as well as to actions hereafter instituted.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 201 CHAPTER 222

AN ACT FIXING THE SALARY OF CERTAIN PUBLIC OFFICIALS OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of Clerk of Superior Court of Alamance County.

SECTION 1. That on and after January one, one thousand nine hundred and forty-five, the Clerk of the Superior Court of Alamance County shall receive an annual salary of three thousand three hundred dollars ($3,300.00), and so long as he serves as judge of the juvenile court he shall receive an additional annual salary of three hundred dollars ($300.00) for services as such juvenile judge, payable in monthly installments from the Treasury of Alamance County.

Fixing salary and expense allowance of Sheriff of said County.

SEC. 2. That on and after January one, one thousand nine hundred and forty-five, the Sheriff of Alamance County shall receive an annual salary of two thousand eight hundred dollars ($2,800.00), together with an expense allowance of one thousand two hundred dollars ($1,200.00), payable in monthly installments from the Treasury of Alamance County.

Fixing salary of Register of Deeds of said County.

SEC. 3. That on and after January one, one thousand nine hundred and forty-five, the Register of Deeds of Alamance County shall receive an annual salary of three thousand three hundred dollars ($3,300.00), payable in monthly installments from the Treasury of Alamance County.

Commissioners of Alamance County are empowered to pay certain war bonus to Clerk, Sheriff and Register of Deeds.

SEC. 4. The Board of Commissioners of Alamance County is hereby authorized and empowered, in its discretion, to pay the Clerk of the Superior Court of Alamance County a sum not exceeding twenty-five dollars ($25.00) a month as a war bonus or sum in addition to the salary specified in Section one above, and is empowered to pay to the Register of Deeds of Alamance County a sum not exceeding twenty dollars ($20.00) a month in addition to the salary provided for in Section three above,

and is empowered to pay the Sheriff of Alamance County a sum not in excess of twenty dollars ($20.00) a month in addition to the salary provided in Section two above, and said board is authorized to make such payments effective from and after January one, one thousand nine hundred and forty-five.

Commissioners are authorized to amend current budget to provide for foregoing expenditures.

SEC. 5. The Board of Commissioners of Alamance County is hereby authorized and empowered to amend its budget heretofore adopted for the fiscal year one thousand nine hundred and forty-four - one thousand nine hundred and forty-five, so as to provide for the payments specified in this chapter.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 281 CHAPTER 223

AN ACT TO REQUIRE THE BOARD OF EDUCATION OF CURRITUCK COUNTY TO MEET ON THE FIRST MONDAY IN EACH MONTH IN THE COUNTY COURT HOUSE.

The General Assembly of North Carolina do enact:

Fixing date and place of monthly meetings of Board of Education of Currituck County.

SECTION 1. The Board of Education of Currituck County shall meet on the first Monday of each and every month in the year in the county court house.

Conflicting laws repealed.

SEC. 2. That this Act shall apply only to Currituck County.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 307 CHAPTER 224

AN ACT TO AMEND SECTION FORTY-FOUR - TWO OF THE GENERAL STATUTES RELATING TO THE GIVING OF NOTICE OF THE SALE OF MOTOR VEHICLES UNDER MECHANIC'S LIEN TO THE COMMISSIONER OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Relating to giving to Commissioner of Motor Vehicles notice of sale of motor vehicles under mechanic's lien.

SECTION 1. That Section forty-four - two of the General Statutes of North Carolina be amended by adding the following proviso at the end thereof:

Provided, that in selling any motor vehicle under the provisions of this section, a twenty day notice in advance of such sale shall be given the Commissioner of Motor Vehicles.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 308 CHAPTER 225

AN ACT TO AMEND CHAPTER SIXTY-SEVEN PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO THE OFFICE OF TAX COLLECTOR OF GREENE COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to Tax Collector of Greene County.

SECTION 1. That Section one of Chapter sixty-seven of the Public-Local Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by striking out the words "October" and "nineteen hundred thirty-two" in line four of said section and by inserting in lieu thereof the following: July, one thousand nine hundred and forty-five; also by striking out the word "October" in line nine of said section and inserting in lieu thereof the word "June."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 310 **CHAPTER 226**

AN ACT TO RATIFY CERTAIN ACTS OF THE CITY CLERKS OF CHARLOTTE, NORTH CAROLINA AND FOR OTHER PURPOSES.

Uncertainty as to authority of City Clerk of Charlotte to administer oath of office.

WHEREAS, City Clerks of the City of Charlotte have heretofore administered oaths of office to a substantial number of persons holding office in connection with said city; and

WHEREAS, some doubt has arisen as to whether or not said city clerks had the authority to administer said oaths; and

WHEREAS, other good and lawful reasons exist for the passage of this bill; Now, therefore,

The General Assembly of North Carolina do enact:

Validating acts of City Clerks of Charlotte in administering oath of office to public officials.

SECTION 1. That the actions of City Clerks of the City of Charlotte in taking the oaths of persons holding offices or positions in connection with said city be, and the same are, hereby ratified and confirmed, retroactive to the date of administering said oaths, and where any person has heretofore been elected or appointed to an office or position with the said city and has performed some or all of the duties of the same and either failed to take any oath required by law, or took such oath after entering upon the performance of the duties of such office or position before a duly qualified officer, or either before or after entering upon the performance of such duties took the required oath before the Clerk of the City of Charlotte, such person is hereby confirmed in his or her office or position as of the date of election or appointment and all things done by, and all payments made to, him or her by virtue of the holding of such office or position are ratified, confirmed and validated, and no one shall suffer any penalty by virtue of any failure to take any oath before entering on the duties of any officer or position.

Validating acts of public officials, who received oath of office from City Clerks of Charlotte.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are repealed, but only to the extent of such conflict.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 326 CHAPTER 227

AN ACT TO FIX COMPENSATION FOR THE BOARD OF COMMISSIONERS FOR ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of Commissioners of Alleghany County.

SECTION 1. That the members of the Board of Commissioners of Alleghany County shall receive the sum of five dollars ($5.00) per day for each day in which they are engaged in the discharge of the official duties of the said board and shall also receive five cents (5c) per mile for the necessary travel involved in the discharge of their duties.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after the first of April, one thousand nine hundred and forty-five.

Ratified this the 22nd day of February, 1945.

H. B. 331 CHAPTER 228

AN ACT RELATING TO THE FEES OF JURORS IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Fixing per diem and mileage for jurors in Granville County.

SECTION 1. Section nine - five of the General Statutes is hereby amended by adding at the end of said section, the following:

Provided: That in Granville County all jurors in the Superior Court shall receive three dollars ($3.00) per day and mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 341 CHAPTER 229

AN ACT TO ABOLISH ALL ELECTIVE OFFICES OF COTTON WEIGHERS IN THE COUNTY OF UNION, AND SUBSTITUTING THEREFOR APPOINTIVE OFFICES BY THE BOARD OF COUNTY COMMISSONERS.

The General Assembly of North Carolina do enact:

Abolishing the elective offices of cotton weighers in Union County and authorizing County Commissioners to appoint cotton weighers and to fix their duties and compensation.

SECTION 1. That all offices of cotton weighers in Union County are hereby abolished.

SEC. 2. That the Board of County Commissioners of Union County shall have the power, and are hereby expressly authorized, to establish at such places in Union County as it may deem advisable the office of official cotton weigher, appoint said cotton weigher to serve at the pleasure of the board, regulate and prescribe his duties and fix his compensation.

Effective July 1, 1945.

SEC. 3. That the provisions of this Act shall be effective on and after July first, one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 344 CHAPTER 230

AN ACT RELATING TO THE MEETINGS OF THE TOWN COMMISSIONERS OF FOREST CITY BY AMENDING CHAPTER TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE.

The General Assembly of North Carolina do enact:

Amending law relating to meetings of Commissioners of Forest City.

SECTION 1. Chapter two of the Private Laws of one thousand nine hundred and twenty-five is hereby amended by striking out all of Subsection eleven of Section five and inserting in lieu thereof, the following:

The Board of Commissioners of the Town of Forest City shall have the right, by resolution, to fix the time of their regular meetings.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 347 **CHAPTER 231**

AN ACT RELATING TO CERTAIN MARRIAGE RECORDS IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Register of Deeds of Haywood County to record certain marriages performed by Rev. Amos Copney, deceased.

SECTION 1. That the Register of Deeds of Haywood County is hereby authorized and directed to record all marriages performed by Amos Copney, a minister of the Gospel, since deceased, in accordance with the marriage licenses found in his possession at the time of his death, whether the certificate of marriage thereof had been duly signed thereon or not.

Providing for certain entries on said marriage licenses.

SEC. 2. That said Register of Deeds of Haywood County shall note on the said marriage licenses which have been delivered to him or may be delivered to him, and which marriage licenses were purported to be performed by the said Amos Copney, stating that the marriage was purported to be performed by the said Amos Copney if the certificate of marriage does not appear thereon, and such entries shall be valid and binding as if the marriage certificate had been duly signed and witnessed.

Said record of marriages validated.

SEC. 3. That the said Register of Deeds of Haywood County shall enter upon the marriage records of said county the record of marriages as performed by the said Amos Copney of the several licenses presented as having been in the hands of the said Amos Copney, and said records of marriages when so entered are hereby validated as if the marriage licenses and certificates had been duly returned properly signed and witnessed by the said Amos Copney.

Validating certain marriages performed by said Rev. Amos Copney, deceased.

SEC. 4. That all marriages performed by the said Amos Copney, whether the certificates were duly signed or not, are hereby declared to be valid marriages, and of the same effect and validity as the same would have been if duly and properly returned and recorded as provided by law, and certified copies of said records so restored shall be valid.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 362 CHAPTER 232

AN ACT TO REQUIRE THE TRANSFER TO THE SUPERIOR COURT OF CASES IN THE RECORDER'S COURT OF DUNN UPON DEMAND FOR A JURY TRIAL.

The General Assembly of North Carolina do enact:

Criminal cases in Recorder's Court of Dunn, in which trial by jury are demanded, shall be transferred to Superior Court of Harnett County.

SECTION 1. That whenever a demand shall be made for a jury trial in any criminal case in the Recorder's Court, of Dunn, in Harnett County, North Carolina, the recorder shall transfer the said case to the superior court of said county, to be heard in said court upon the warrant issued in the said recorder's court, and the superior court is given jurisdiction to hear and determine such case upon being transferred thereto.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 373 CHAPTER 233

AN ACT TO AMEND SECTION NINE - FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE PAY OF JURORS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Amending law to authorize Commissioners of Rowan County to fix per diem and mileage of jurors.

SECTION 1. That Section nine - five of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

In Rowan County the Board of County Commissioners may fix the pay of all jurors, including special venireman and tales jurors at not less than two ($2.00) dollars per day and not more than four ($4.00) dollars per day, and mileage at the rate of five (5c) cents per mile while coming to the county seat and returning home.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 374 **CHAPTER 234**

AN ACT TO AMEND CHAPTER TWENTY-NINE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, RELATING TO THE COMPENSATION OF THE COMMISSIONERS AND MEMBERS OF THE BOARD OF EDUCATION OF GATES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter twenty-nine of the Session Laws of one thousand nine hundred and forty-three is hereby rewritten to read as follows:

Amending law, relating to compensation of Commissioners of Gates County.

SECTION 1. That the Chairman of the Board of County Commissioners of Gates County shall receive for his services and expenses in attending regular meetings of the board of county commissioners the sum of seven dollars and fifty cents ($7.50) per day. For attending special meetings of the board of county commissioners, the chairman shall receive five dollars ($5.00) per day. Each member of the Board of County Commissioners of Gates County, other than the chairman, shall receive for his services and expenses in attending both regular and special meetings of the board the sum of five dollars ($5.00) per day. The chairman and each member of the board of county commissioners shall also be allowed mileage at the rate of five cents (5c) per mile going to and returning from meetings of the board.

SEC. 2. That Section two of Chapter twenty-nine of the Session Laws of one thousand nine hundred and forty-three is hereby rewritten to read as follows:

Amending law, relating to compensation of Board of Education of Gates County.

SEC. 2. That the Chairman of the Board of Education of Gates County shall receive for his services and expenses in attending regular meetings of the board of education the sum of seven dollars and fifty cents ($7.50) per day. For attending special meetings of the board of education, the chairman shall receive five dollars ($5.00) per day. Each member of the Board of Education of Gates County, other than the chairman, shall receive for his services and expenses in attending both regular and special meetings of the board the sum of five dollars ($5.00) per day. The chairman and each member of the board of education shall also be allowed mileage at the rate of five cents (5c) per mile going to and returning from meetings of the board.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 382 CHAPTER 235

AN ACT TO PROVIDE A WAR BONUS FOR THE CLERK OF THE SUPERIOR COURT, THE SHERIFF, AND THE REGISTER OF DEEDS OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Increasing salary of Clerk of Superior Court, Sheriff and Register of Deeds of Montgomery County $50.00 per month.

SECTION 1. That from and after January one, one thousand nine hundred and forty-five, the salary of the Clerk of the Superior Court of Montgomery County, the Sheriff of Montgomery County, and the Register of Deeds of Montgomery County, is hereby increased fifty dollars ($50.00) per month each.

This Act to expire June 30, 1947.

SEC. 2. That this Act shall expire of its own limitations on June thirtieth, one thousand nine hundred and forty-seven.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Ratified this the 22nd day of February, 1945.

H. B. 385 CHAPTER 236

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY-THREE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO THE FIXING OF THE COMPENSATION OF CERTAIN OFFICERS IN GASTON COUNTY AND OTHER MATTERS.

The General Assembly of North Carolina do enact:

Amending law, relating to compensation of Commissioners of Gaston County.

SECTION 1. That Chapter three hundred and thirty-three of the Session Laws of one thousand nine hundred and forty-three be, and the same is hereby, amended by striking out all of Section one and inserting in lieu thereof a new Section one, as follows:

SECTION 1. That Chapter four hundred and sixty-four of the Public-Local Laws of one thousand nine hundred and twenty-one be, and the same is hereby, amended by changing the period at the end of Section five thereof to a semicolon and by adding the following:

That the other members of the Board of Commissioners of Gaston County shall receive a per diem of ten dollars ($10.00) and mileage; and when additional duties are assigned to a member of the board other than the chairman, additional remuneration may be paid in an amount not to exceed six hundred dollars ($600.00) per annum.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 388 CHAPTER 237

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-FOUR, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and forty-four of the Public-Local and Private Laws of one thousand nine hundred and thirty-one be and the same is hereby amended by striking out the first four lines and the numerals in parenthesis "($5.00)" in line five of Section four of said chapter and inserting in lieu thereof the following: Amending law, relating to compensation of Commissioners of Jackson County.

That from and after the first Monday in March, one thousand nine hundred and forty-five, all members of the Board of County Commissioners of Jackson County, except the chairman, shall receive as compensation for their services an amount to be fixed by said board not to exceed the sum of ten dollars ($10.00).

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 402 CHAPTER 238

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-FIVE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE AND TO FIX THE SALARY OF THE COUNTY ACCOUNTANT OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter two hundred and forty-five of the Session Laws of one thousand nine hundred and forty-three is hereby amended by striking out the words and figures "one hundred and twenty-five dollars ($125.00) a month" in lines six Amending law, relating to salary of County Accountant of Yancey County.

and seven of Section one thereof and substituting therefor the words and figures "one hundred and sixty dollars ($160.00) a month."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 416 CHAPTER 239

AN ACT TO AUTHORIZE THE TOWN OF MOREHEAD CITY TO SELL AND CONVEY CERTAIN PROPERTIES OWNED BY IT WITHOUT PUBLIC AUCTION.

Morehead City has purchased many parcels of land through tax foreclosure suits.

WHEREAS, the Town of Morehead City, through foreclosure proceedings for the enforcement of payment of delinquent taxes and street assessments and/or by direct conveyance by delinquent tax payers unable or unwilling to pay their taxes or street assessments, has acquired and become the owner of many parcels of real estate and has been holding title to same for several years; and

Appears satisfactory sales can not be made at public auction.

WHEREAS, it appears that satisfactory sale and disposition of the properties cannot be had at public auction, as now generally provided by law, but that the governing authorities of the municipality might and probably would be able to make more advantageous and satisfactory sale of said properties under private negotiation and/or through regularly designated and approved agencies; and

Said property is not productive.

WHEREAS, the said properties, being municipally owned, are not yielding the municipality any taxable returns and have not so yielded any taxable returns since acquisition by the municipality; and

Appears that private sales would be beneficial.

WHEREAS, it now appears to be the greater interest of the municipality to have said property sold and conveyed for a fair and reasonable consideration in order that the municipality may recoup its losses, both as to taxes and street assessments, and to have the said properties again placed upon the tax books as privately owned properties, to become income producing again, and that a fair and reasonable purchase price can best be had as a result of private negotiation, dealing individually with the several parcels in proportion to their respective values; Now, therefore,

The General Assembly of North Carolina do enact:

City authorized to sell said property either privately or at auction.

SECTION 1. That the Mayor and Board of Commissioners of the Town of Morehead City be, and they hereby are, authorized and empowered to offer for sale and to sell, either at public or private sale, by auction or otherwise, and upon such terms and conditions as to them may appear to the greater interest of the municipality, any and all real estate heretofore acquired, or which may hereafter be acquired, by the said Town of Morehead City, whether title to same be in the name of Morehead City or in the name of some trustee holding for said municipality, through foreclosure proceedings for the enforcement of payment of delinquent taxes and/or special assessments for the enforcement of payment of delinquent taxes and/or special assessments for street improvements, or that the said municipality may have acquired, or hereafter may acquire, through direct conveyance by the tax or assessment delinquent in whose name title was outstanding at the time.

Certain sales previously made are validated.

SEC. 2. That any sale or sales heretofore made by the said Town of Morehead City, either through its governing authorities or by some trustee for and on behalf of said municipality, purportedly authorized under Chapter eighty-four of the Private Laws of one thousand nine hundred and thirty-five, but which, under strict compliance therewith, may otherwise be declared defective in title, be, and the same hereby are, in all respects validated, and the acts of the governing authorities of the said municipality and/or the acts of any trustee authorized by said governing authorities with respect to the sale and transfer of said such properties, are hereby ratified and confirmed.

Authorized City to sell said property through agents and pay them commissions.

SEC. 3. That the mayor and board of commissioners of the said municipality shall have the power and authority to appoint and designate agents or agencies of the said municipality to conduct such sales, but shall not allow to such agent or agencies a commission for such services in excess of ten percent of the sale price, including costs and expenses; *provided, however,* that no agent, agents or agencies that may be appointed shall have the power and authority to conclude any sale without the proposed sales price first having been submitted to and approved by the mayor and board of commissioners by appropriate resolution, which resolution shall be made of permanent record in the official minutes of the said municipality; and provided further that no conveyance shall be made on behalf of the said municipality except by and in the name of said municipality by its mayor, attested by its clerk, with official seal attached, or by its duly authorized trustee, and all by and under authorization of the board of commissioners through regular and appropriate resolution by said board.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 421 CHAPTER 240

AN ACT TO ENABLE THE COMMISSIONERS OF ORANGE COUNTY TO PAY A WAR BONUS TO ITS OFFICERS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Authorizing Commissioners of Orange County to pay a war bonus to officers and employees of the County.

SECTION 1. The Board of Commissioners of Orange County is hereby authorized and empowered to pay a war bonus or sum in addition to the salaries now in force and now being paid to the employees of Orange County, including the register of deeds, the clerk of the superior court, the sheriff, and the treasurer, whose salaries are fixed by the legislature, and said board is authorized to make such payments effective from the first day of January, one thousand nine hundred and forty-five, and continue so long as the bonus or extra payments on account of the war are paid to employees of the State of North Carolina.

Amount of bonus in discretion of Commissioners within limits fixed in this Act.

That the above war bonus shall be in amounts as in the discretion of the Board of County Commissioners of Orange County may seem just and equitable, but not to exceed the following schedule: Annual salaries up to and including nine hundred dollars—ten dollars per month; annual salaries from nine hundred and one dollars to two thousand dollars—fifteen dollars per month; annual salaries from two thousand and one dollars to two thousand and five hundred dollars — sixteen dollars per month; annual salaries from two thousand and five hundred and one dollars to three thousand dollars—seventeen dollars per month; annual salaries over three thousand and one dollars—eighteen dollars per month.

Commissioners authorized to amend current budget to provide for payments authorized in this Act.

SEC. 2. That the Board of Commissioners of Orange County is hereby authorized and empowered to amend its budget as heretofore adopted for the fiscal year one thousand nine hundred and forty-four and one thousand nine hundred and forty-five so as to provide for the payment of such war bonus to the said employees and officers of Orange County.

SEC. 3. This Act shall be in force from and after its ratification.

Ratified this the 22nd day of February, 1945.

H. B. 425 **CHAPTER 241**

AN ACT TO FIX SALARIES FOR PUBLIC OFFICIALS AND EMPLOYEES IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of Clerk of Superior Court of Orange County.

SECTION 1. That the clerk of the superior court shall receive a salary of two thousand and five hundred dollars per annum in lieu of all compensation whatever, including services rendered as juvenile judge. That the clerk of the superior court shall appoint a deputy clerk who shall receive such salary as may be determined by the board of county commissioners.

Clerk to collect all fees and deliver same to County Treasurer.

SEC. 2. That the clerk of the superior court shall faithfully collect, account for, and turn over to the treasurer of said county monthly all commissions, fees, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to the office of clerk of the superior court, to be by the treasurer entered in the salary fund of the county.

Fixing salary of Sheriff of Orange County.

SEC. 3. That the Sheriff of Orange County shall receive a salary of three thousand and two hundred dollars per annum in lieu of all other compensation whatever. That all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to or hereafter by any law belonging or appertaining to the sheriff by virtue of his office shall be faithfully collected by him and turned over to the treasurer of the county to be entered in the salary fund of said county.

Appointment and pay of Deputy Sheriffs in said County.

SEC. 4. That the Sheriff of Orange County may appoint one or more deputies in each township in the county except in Hillsboro and Chapel Hill Township, which are hereinafter provided for, and may allow such deputies any fees made and collected by them in serving summons, subpoenas, notices and processes of all kinds and all fees made and collected by them from executions.

Deputies in Hillsboro and Chapel Hill Townships.

SEC. 5. That the sheriff may appoint two deputies for Hillsboro Township and one deputy for Chapel Hill Township with such salary as the board of county commissioners shall determine: *Provided, however,* that the salary deputies in Hillsboro and Chapel Hill Townships shall not receive fees for serving summons, subpoenas, notices and processes of any kind, or for arrests, but all fees so collected shall be turned over to the treasurer of said county to be entered in the salary fund of the county. All commissions and fees made and collected by said deputies from executions shall be and remain the property of said deputies.

Appointment and salary for Jailer for Orange County.

SEC. 6. That the sheriff shall appoint a jailer, who may be also deputy sheriff, whose compensation shall be fixed by the board of county commissioners and paid from the salary fund of the county. That in addition to the salaries herein provided for the county commissioners may make such allowances as they deem just and proper for transportation and travel in connection with the proper operation of the sheriff's office, such allowance to be paid either to the sheriff or to the deputies as in the discretion of the board of county commissioners appears just and proper.

Salary of Register of Deeds.

SEC. 7. That the register of deeds of said county shall receive a salary of two thousand dollars per annum in lieu of all other compensation whatever. That the register of deeds shall appoint such clerical assistance as may be necessary, who shall be paid such amounts per annum as may be determined by the Commissioners of Orange County.

Salary of Treasurer of Orange County.

SEC. 8. That the Treasurer of Orange County shall receive a salary of one thousand and two hundred dollars per annum in lieu of all other fees and commissions received by virtue of said office.

Salary of County Accountant and Tax Supervisor.

SEC. 9. That the county accountant and tax supervisor shall have the authority to appoint an office clerk, whose salary shall be determined by the board of county commissioners.

County Treasurer to pay foregoing salaries on the fifteenth and last day of each month.

SEC. 10. That the Treasurer of Orange County shall pay the salaries provided for under this Act by vouchers drawn in favor of the officer or clerk who may be entitled to same, said vouchers to be payable out of the salary fund hereinafter provided for, and are to be drawn and delivered one-half on the fifteenth and one-half on the last day of each month covering the current month. That the treasurer shall also pay from the said salary fund the premiums on the official bonds of all officials and employees of the county where bonds are required by the board of commissioners and where said bonds are given by some bonding company.

County to pay premiums on bonds of officials and employees.

Duties and responsibilities of foregoing officers.

SEC. 11. That the officers hereinbefore mentioned shall faithfully perform all of the duties of their respective offices imposed upon them by law, and shall receive no compensation or allowance whatever for any extra or additional service rendered to the county or the State or other governmental agencies, under existing law, or laws hereafter enacted (except as hereinbefore provided), and they shall be liable to all the pains or penalties now or hereafter provided for failure to perform the duties of their offices.

Officers must keep record of fees collected and deliver all funds to County Treasurer.

SEC. 12. That the officers hereinbefore named are each required to keep a fee book upon which shall be entered immediately upon their receipt, all fees or commissions, and are re-

quired to turn over to the treasurer of Orange County all moneys coming into their hands from such source, and the treasurer, or county accountant, shall audit the said books and diligently compare the same with the books and papers in the office of each officer at the time of the settlement to ascertain whether same is correct; and on the first Monday of each month the county accountant shall post at the courthouse door an itemized statement showing the amounts received by him from each officer covering the second preceding month. The county commissioners may at any time require said officers, or any of them, to exhibit to them all books and accounts showing all moneys received and turned over to the treasurer under the provisions of this Act.

County Accountant shall post at Courthouse door on first Monday in each month statement of funds received from each official.

SEC. 13. Any officer hereinbefore mentioned who shall wilfully fail or refuse to collect the full fee, commissions or emoluments of any kind belonging to the office, or who shall fail to turn over the same to the county treasurer, shall be guilty of a misdemeanor.

Failure to collect or account for fees shall constitute misdemeanor.

SEC. 14. All of the moneys coming into the hands of the Treasurer of Orange County by virtue of this Act as well as other amounts allotted by law to the salary fund shall be held by him as a separate and distinct fund; and after paying the monthly salaries and allowances provided for in this Act, and after paying premiums for the official bonds, when directed by the board of commissioners, the balance of said fund, if any, shall annually be transferred to the general fund of the county. The board of commissioners at the beginning of each fiscal year shall transfer from the general fund of the county a sufficient amount to supplement the receipts of the salary fund so as to provide sufficient funds with which to meet the salaries herein provided for.

County Treasurer shall keep salary fund separate.

SEC. 15. That from and after the first Monday in December, one thousand nine hundred and forty-six, the salary of the Clerk of the Superior Court of Orange County shall be increased to the sum of three thousand dollars per annum in lieu of all compensation whatever, including services rendered as juvenile judge.

Increasing salary of Clerk on first Monday in December, 1946.

That from and after the first Monday in December, one thousand nine hundred and forty-six, the salary of the Sheriff of Orange County shall be increased to three thousand and three hundred dollars per annum in lieu of all other compensation whatever.

Increasing salary of Sheriff on first Monday in December, 1946.

That from and after the first Monday in December, one thousand nine hundred and forty-six, the salary of the Register of Deeds of Orange County shall be increased to two thousand and five hundred dollars per annum in lieu of all other compensation whatever.

Increasing salary of Register of Deeds on first Monday in December, 1946.

Conflicting laws repealed.

SEC. 16. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 17. That this Act shall be in full force and effect on and after the first day of January, one thousand nine hundred and forty-five.

Ratified this the 22nd day of February, 1945.

S. B. 122 **CHAPTER 242**

AN ACT TO AMEND CHAPTER TWENTY OF GENERAL STATUTES RELATING TO THE SIZE AND WEIGHTS OF TRUCKS.

The General Assembly of North Carolina do enact:

Amending law to increase maximum legal length of vehicles from 45 to 48 feet.

SECTION 1. That Section twenty - one hundred and sixteen of General Statutes be amended by striking out the word "forty-five" in the fourth line of Subsection (e) and inserting in lieu thereof the word "forty-eight."

SEC. 2. That Section twenty - one hundred and eighteen of General Statutes be amended in the following particulars:

Amending law relating to maximum axle load.

(1). Amend Subsection (e) by striking out the word "forty" in line four thereof and insert in lieu thereof the word "forty-eight."

Amending law relating to maximum load.

(2). Strike out the words "or more" in line three of Subsection (i).

(3). That the numbering of Subsection (j) be changed to Subsection (1) and the following new subsections be inserted:

Amending law relating to maximum load.

(j) Subject to the foregoing limitations, the gross weight of any vehicle or combination of vehicles having four or more axles shall not exceed fifty thousand pounds. For the purpose of determining gross weight, no axle shall be considered unless the wheels thereof are equipped with adequate brakes.

Same.

(k) Subject to the foregoing limitations, in determining the gross allowable weight, no group of two or more consecutive axles may have a concentrated gross weight greater than that produced by the formula 700 (L + 40), in which formula "L" represents the space measured in feet between the axles involved.

SEC. 3. This Act shall be in force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

S. B. 131 **CHAPTER 243**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF JOHNSTON COUNTY TO APPOINT A COUNTY VETERANS SERVICE OFFICER AND TO APPROPRIATE A SUM FROM THE GENERAL FUND OF THE COUNTY SUFFICIENT FOR THIS PURPOSE.

The General Assembly of North Carolina do enact:

Authorizing Commissioners of Johnston County to employ a veterans service officer, to fix his term and salary.

SECTION 1. The County Commissioners of Johnston County are hereby authorized and empowered to appoint a suitable person as county veterans service officer who shall be a veteran either of World War I or World War II. The Johnston County Veterans Service Officer shall serve for a term to be determined by the county commissioners and at a salary to be fixed by said commissioners. The County Commissioners of Johnston County are hereby authorized and empowered to appropriate from the General Fund of the county an amount sufficient to carry out the purposes of this Act, including adequate office space and facilities and the necessary clerical help.

Duties of the County Veterans Service Officer.

SEC. 2. It shall be the duty of the Johnston County Veterans Service Officer to:

(1) Acquaint himself with the laws, Federal, State and local, enacted for the benefit of members of the armed forces, their families and dependents;

(2) Collect data and information as to facilities and services available to such persons with regard to education, health and medical care, rehabilitation, housing, employment and all other matters of a similar nature;

(3) Assist veterans, their families and dependents in the presentation of proof and establishment of claims for any benefits they may have under Federal, State or local laws.

Authorizing said Officer to perform notarial acts.

SEC. 3. The Johnston County Veterans Service Officer shall have a seal of office and shall be authorized to take acknowledgments, administer oaths, affirmations, execute depositions and affidavits, and perform other notarial acts necessary to carry out the provisions of this Act.

Authorizing Commissioners of Johnston County to cooperate with State program for Veterans.

SEC. 4. The County Commissioners of Johnston County are hereby authorized and empowered to cooperate with the State of North Carolina in any program adopted by the State for the welfare of returning veterans of the present World War, and the said board of county commissioners may appropriate from the General Fund of the county any funds necessary for participation in said program.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

S. B. 156 CHAPTER 244

AN ACT TO AUTHORIZE COUNTIES TO ESTABLISH AND MAINTAIN FIRE DEPARTMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and fifty-three - nine of the General Statutes be, and the same hereby is, amended by adding thereto an additional subsection, as follows:

Authorizing Counties to establish and maintain fire departments.

(39) County fire departments. Any county shall have power to provide for the organization, equipment, maintenance and government of fire companies and a fire department; and, in its discretion, may provide for a paid fire department, fix the compensation of the officers and employees thereof, and make rules and regulations for its government. The board of commissioners of the county may make the necessary appropriations for the expenses thereof and levy annually taxes for the payment of same as a special purpose, in addition to any tax allowed by the Constitution.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

S. B. 164 CHAPTER 245

AN ACT TO AMEND SECTION SIXTY-SEVEN - THIRTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA, AND TO EXEMPT BURKE COUNTY FROM CERTAIN PROVISIONS THEREOF.

The General Assembly of North Carolina do enact:

Exempting Burke County from certain General Statutes.

SECTION 1. That Section sixty-seven - thirteen of the General Statutes of North Carolina be, and the same is, hereby amended by adding at the end of said section the following:

Provided, the provisions of that portion of this section which follows the word "Collected" in line three shall not apply to Burke County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

S. B. 192 CHAPTER 246

AN ACT TO FIX COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of Commissioners of Rockingham County.

SECTION 1. That the members of the Board of County Commissioners of Rockingham County, except the chairman, shall receive from the general funds of said county as full compensation for their services the sum of twelve dollars ($12.00) for each day necessarily spent in transacting county business, and the chairman shall receive the sum of fifteen dollars ($15.00) for each day spent in transacting county business.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 161 CHAPTER 247

AN ACT TO REVISE SECTION ONE HUNDRED AND FIVE - THREE HUNDRED AND EIGHTY-EIGHT (a) (b) AND SECTION ONE HUNDRED AND FIVE - THREE HUNDRED AND FORTY-FIVE (5) OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Changing rate of interest on tax sale certificates.

SECTION 1. Section one hundred and five - three hundred and eighty-eight (a) of the General Statutes of North Carolina is hereby amended by striking out after the words "rate of" in line sixty-one the word "eight" and inserting in lieu thereof the word "six," and by striking out after the words "that the" in line sixty-five the word "eight" and inserting in lieu thereof the word "six."

Same.

SEC. 2. Section one hundred and five - three hundred and eighty-eight (b) of the General Statutes of North Carolina is hereby amended by striking out after the words "rate of" in line twenty-one the word "eight" and inserting in lieu thereof the word "six."

Relating to penalties on delinquent taxes.

SEC. 3. Section one hundred and five - three hundred and forty-five (5) of the General Statutes of North Carolina is hereby amended by striking out the comma after the word "taxes" in line five thereof and inserting in lieu thereof a period, and by striking out the balance of said Section (5).

Not retroactive.

SEC. 3½. *Provided* that nothing in this Act shall affect the interest rate on outstanding certificates issued prior to ratification of this Act.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 163 **CHAPTER 248**

AN ACT TO EXTEND THE TIME WITHIN WHICH BONDS OF THE CITY OF RALEIGH HERETOFORE AUTHORIZED MAY BE ISSUED.

The General Assembly of North Carolina do enact:

Extending time for issuing certain bonds by the City of Raleigh.

SECTION 1. That any bonds of the City of Raleigh which have heretofore been authorized to be issued by an ordinance passed pursuant to the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, and which have not been issued at the time of ratification of this Act, and the time within which such bonds may be issued under the provisions of Section two thousand nine hundred and fifty of the Consolidated Statutes, (General Statutes one hundred and sixty - three hundred and eighty-nine), being a part of said Municipal Finance Act, will expire before July first, one thousand nine hundred and forty-seven, may be issued, in accordance with all other provisions of law, at any time prior to said July first, one thousand nine hundred and forty-seven.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 169 CHAPTER 249

AN ACT TO REQUIRE PUBLIC LIVESTOCK MARKETS IN GUILFORD COUNTY TO HOLD AUCTION SALES ONLY AT TIMES FIXED FOR SUCH PURPOSE AND NOT LATER THAN TWO P. M.

The General Assembly of North Carolina do enact:

Relating to auction sales by livestock markets in Guilford County.

SECTION 1. That any person, firm or corporation operating a public livestock auction market in Guilford County shall conduct auction sales only at definite hours fixed by such market, and which sales shall not open later than two P. M. on any day, to the end that livestock may be sold at a reasonable time when the seller can be there to protect his interest in such livestock and be fully informed as to the sale. Any animals brought in for sale after the starting of the auction and the owner still desiring to sell shall be held over and sold after the regular schedule of sales.

Making violation a misdemeanor.

SEC. 2. That any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 242 CHAPTER 250

AN ACT TO PROHIBIT HORSE RACING, MOTORCYCLE, OR AUTOMOBILE RACES, OR OTHER SPEED CONTESTS IN GATES COUNTY ON SUNDAY.

The General Assembly of North Carolina do enact:

Prohibiting horse races, motorcycle races and automobile races in Gates County on Sunday.

SECTION 1. That any person, firm, or corporation, is hereby prohibited from anywise sponsoring or engaging in any horse race, motorcycle race or automobile race on the Sabbath day, commonly known as Sunday, in Gates County, North Carolina.

Making violation a misdemeanor.

SEC. 2. That any person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor and punished in the discretion of the court.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 253 CHAPTER 251

AN ACT AMENDING CHAPTER ONE HUNDRED FIFTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED FORTY-ONE, ENABLING GUILFORD COUNTY AND MUNICIPALITIES THEREIN TO ESTABLISH PARKING METERS.

The General Assembly of North Carolina do enact:

Enabling Guilford County and municipalities therein to establish parking meters.

SECTION 1. That Section two (a) of Chapter one hundred and fifty-three Public Laws of one thousand nine hundred and forty-one be and the same is hereby amended by striking out the words "Guilford County or to any municipality therein" appearing in lines one and two of said section.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 294 CHAPTER 252

AN ACT AMENDING CHAPTER ONE HUNDRED AND FORTY-TWO, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, BEING THE CHARTER OF THE CITY OF DURHAM, BY GRANTING POWER TO THE CITY COUNCIL TO APPROPRIATE REASONABLE SUMS FOR ADVERTISING THE CITY AND FOR PUBLIC CONCERTS.

The General Assembly of North Carolina do enact:

Amending charter of Durham to grant power to its City Council to appropriate money to advertise the city and for public concerts.

SECTION 1. That Chapter one hundred and forty-two, Private Laws, one thousand nine hundred and twenty-one, be and the same is hereby amended by inserting in Section forty-eight thereof between the paragraph beginning with the words "To protect hackmen," and the paragraph beginning with the words "To appropriate annually" the following separate paragraph, to-wit:

To appropriate annually, in the discretion of the city council, reasonable sums for advertising the city and for public concerts.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 311 CHAPTER 253

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Amending charter of Charlotte.

SECTION 1. That Chapter three hundred and sixty-six of the Public-Local Laws of North Carolina of one thousand nine hundred and thirty-nine as heretofore amended be, and the same hereby is, amended as follows:

A. Add a new subsection to Section thirty-two as follows:

Authorizing retirement system, with contributions from city and employees.

(41) To establish and maintain a retirement system for all, or a part of, its employees, and in connection with the same the city is authorized to do any or all of the following: Provide for contributions to the system by employees and the city; appoint a commission with authority to invest and reinvest funds and manage property belonging to the system, which said funds and property shall not be mingled with the funds and property of the city; make rules and regulations concerning the same; pay benefits for disability as well as old age retirement; do any and every other thing that may be useful or necessary for the proper establishment and maintenance of a retirement system. Any retirement system established in accordance with this provision shall be on a reserve basis and shall provide contributions of both members and the city, actuarially computed, as level amounts or lever percentages of the payrolls which will cover the currently accruing liability for benefits. The system shall also provide for the liquidation of any liability accrued at the date of establishment by similar uniform contributions by the city over a term of years. To assure that this condition shall continue, the city shall provide for actuarial valuations of the contingent assets and liabilities of the system at least quinquennially.

B. By amending Section thirty-six as follows:

At the end of Subsection eight, just before the period, insert the words "or the city manager."

C. Following Subsection eight of Section thirty-six, add the following subsections:

Authorizing City Clerk to administer oaths.

(9) The city clerk shall have the authority to administer oaths in any transactions or proceedings connected with the city government, and all official oaths of councilmen, commissioners, chiefs of police, chiefs of the fire department, policemen, firemen or other officers of said city may be administered by the city clerk.

Council may combine City Clerkship with any other office.

(10) The council may combine the position of city clerk with any other office that it sees fit, vesting in the person holding such combined office the powers and duties of both positions.

D. By amending Section forty by striking the word "occasional" where same appears in Subsection (2).

E. By amending Section forty-four (five) by adding the following:

Deposits may be required in connection with any installations or services, and the same shall not draw any interest.

F. By adding to Section forty-nine (A) new subsections, to be known as Subsection fourteen, as follows:

Relating to auxiliary members of the fire and police departments.

(14) During the continuance of World War II, and for six months thereafter, the council may authorize the city manager to appoint auxiliary members of the fire and police departments without previous examinations by the Civil Service Commission, who, when called to duty by the chiefs of their respective departments, shall have all the powers and duties of regular members of the police and fire departments. Such auxiliary members of the said departments shall be subject to discharge by the city manager, with or without cause, and without a hearing before the Civil Service Commission.

G. By amending Section fifty by striking the following from Subsection (1):

Relating to sale of property acquired through enforcement of tax liens.

"*provided, further*, that in the event that the City of Charlotte shall become the purchaser or owner of any real property in the enforcement of such tax liens, said real property so acquired may be sold by the City of Charlotte after one year from the date of its acquisition, at either public or private sale, and without public outcry."

H. By amending Section fifty by adding the following subsection:

Creation of liens against certain property.

(2) Whenever, pursuant to any statute or ordinance, the city does any work on any real estate and by the terms of said statute or ordinance the cost of such work and the materials and supplies furnished in connection therewith may be, or is made, a charge against the owner of such real estate and/or lien against such real estate, the city clerk shall certify such cost to the Tax Supervisor of Mecklenburg County and he shall include such cost as a charge or tax against said owner and said real estate in making up the next tax scrolls and tax books for the city, and such charge shall be a lien against said real estate, collectible as are taxes, or collectible by suit or other lawful means. Without limiting the generality of the foregoing provisions, they are hereby made especially aplicable to the cost of

labor done and materials and supplies furnished in connection with any or all of the following: cutting weeds; abating nuisances; remedying dangerous conditions in buildings and houses, pursuant to the city's housing ordinance; rat-proofing and other work done upon buildings and houses, and controlling the spread of endemic typhus fever and other diseases, pursuant to the city's ordinances.

I. By amending Section fifty-one by adding at the end of same the following:

Condemnation of property for public library purposes.

The City of Charlotte is hereby vested with the authority to condemn for public library purposes property, rights, privileges, easements and restrictive covenants and conditions, including any restrictive covenants and conditions applicable to real estate now or hereafter owned, restricting the use of same in any manner whatsoever.

J. By amending Section fifty-four by striking the word "ten" where same appears in line nine of Subsection three, and substituting therefor the word "twenty."

Changing name of library.

K. By amending Section fifty-six by striking the words, "Charlotte Carnegie Public Library" and "Charlotte Public Library" wherever same appear, and substituting therefor the words, "Public Library of Charlotte and Mecklenburg County."

L. By amending Section fifty-eight by striking the words and figures, "fifty dollars ($50.00)" in Subsection two, and substituting therefor the words and figures, "five hundred dollars ($500.00)."

Constitutionality.

SEC. 2. If any clause, sentence, paragraph, subsection, section, or any part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the part thereof and the circumstances directly involved in said judgment. If any part or clause of this Act shall be declared unconstitutional, and if such part so declared unconstitutional embraces subject matter controlled and provided for by any law, public or private, in effect at the time of the adoption of this Act, such pre-existing laws shall continue and remain in effect, notwithstanding any repealing clause contained herein.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 361 CHAPTER 254

AN ACT TO FIX THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Relating to penalty for public drunkenness in Harnett County.

SECTION 1. That Section fourteen - three hundred and thirty-five of the General Statutes be, and the same hereby is, amended by striking out the word "Harnett" in Subsection ten thereof; and said section is further amended by inserting in Subsection one, after the word "Green," the word "Harnett."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 370 CHAPTER 255

AN ACT TO PROHIBIT THE MANUFACTURE, PURCHASE, SALE, DEALING IN, TRANSPORTATION, POSSESSION, ADVERTISEMENT AND USE OF PYROTECHNICS IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Prohibiting fireworks in Gaston County except in public exhibitions.

SECTION 1. That it shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, advertise, use or cause to be discharged any pyrotechnics of any description whatsoever within Gaston County: *Provided, however,* that it shall be permissible for pyrotechnics to be exhibited, used or discharged at public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations: *Provided, further,* that the use of said pyrotechnics in connection with public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, shall be under supervision of experts who have previously secured a permit from the county, city or municipality in which said pyrotechnics are to be exhibited, used or discharged.

Relating to site of delivery.

SEC. 2. That in case of sale or purchase of pyrotechnics, where the delivery thereof was made by a common or other carrier, the sale shall be deemed to be made in the county wherein the delivery was made by such carrier to the consignee.

Possession constitutes prima facie evidence of violation.

SEC. 3. That possession of pyrotechnics by any person, for any purpose other than those permitted under this Act, shall be prima facie evidence that such pyrotechnics are kept for the purpose of being sold, bartered, exchanged, given away, fur-

nished, otherwise disposed of, or used in violation of the provisions of this Act.

Sheriff and Chiefs of Police to issue permits for public exhibitions.

SEC. 4. That for the purpose of enforcing the provisions of this Act, the Sheriff of Gaston County and the chiefs of police in all cities and towns within Gaston County are hereby empowered and authorized to issue permits for use in connection with the conduct of public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics will be used for the aforementioned purposes and none other. Any person desiring to secure a permit as aforementioned shall make application to the Sheriff of Gaston County in which said pyrotechnics are to be used or to the chief of police of the municipality in which said pyrotechnics are to be used.

Defining pyrotechnics.

SEC. 5. That for the proper construction of the provisions of this Act, "pyrotechnics," as is herein used, shall be deemed to be and include any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes: *Provided, however,* that nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosives used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms.

Misdemeanor.

SEC. 6. That any person violating any of the provisions of this Act, except as otherwise specified in said Act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Constitutionality.

SEC. 7. That if any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutinal, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 379 CHAPTER 256

AN ACT TO PROVIDE FOR THE TRANSFER TO THE COUNTY DEBT SERVICE FUND OF ALL FUNDS WHICH NOW OR MAY HEREAFTER REMAIN IN ANY TOWNSHIP ROAD BOND FUND OF CLEVELAND COUNTY AFTER PAYMENT OF BONDS IN FULL.

The General Assembly of North Carolina do enact:

Transferring certain funds in Cleveland County to County Debt Service Fund of the County.

SECTION 1. That any and all funds which now or may hereafter remain in any township road bond fund of Cleveland County after the payment of the bonds for which the township road bond fund was set up shall, immediately after the payment in full of said bonds, be transferred to the County Debt Service Fund of Cleveland County, and only be used for the purpose of county wide debt retirement of said county.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. B. 405 CHAPTER 257

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND SEVENTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE.

The General Assembly of North Carolina do enact:

Repealing certain 1935 Act.

SECTION 1. That Chapter three hundred and seventy-one of the Public-Local Laws of one thousand nine hundred and thirty-five is hereby repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act is in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

S. B. 161 CHAPTER 258

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-TWO, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, RELATIVE TO THE SALARY OF THE COMMISSIONERS OF THE CITY OF LUMBERTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and twenty-two, Private Laws of North Carolina, Session of one thousand nine hundred and twenty-three, be amended by striking out all of Section three and substituting in lieu thereof, the following:

Fixing compensation of Commissioners of Lumberton.

SEC. 3. That the Commissioners of the City of Lumberton shall each receive as compensation for their services, the sum of twelve dollars and fifty cents ($12.50) per month.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act be, and are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the first Monday in May, one thousand nine hundred and forty-five.

Ratified this the 28th day of February, 1945.

S. B. 212 CHAPTER 259

AN ACT RELATING TO AD VALOREM TAXES ON THE PROPERTY OF LITTLE THEATRE OF CHARLOTTE, INCORPORATED.

The General Assembly of North Carolina do enact:

Exempting from taxes the property of the Little Theater of Charlotte.

SECTION 1. The Little Theatre of Charlotte, Incorporated, is hereby declared to be a nonprofit educational or literary organization and the real estate of said organization, located at and known as five hundred and one Queens Road, Charlotte, North Carolina, and the personal property used in connection therewith, are hereby declared to be property held for educational and literary purposes, within the purview of Article V, Section five, of the Constitution, and, as such, exempt from ad valorem taxation for one thousand nine hundred and forty-three and subsequent years.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

S. B. 237 **CHAPTER 260**

AN ACT TO AUTHORIZE THE TOWN OF WILSON, NORTH CAROLINA, TO ACQUIRE LANDS IN WILSON COUNTY, NORTH CAROLINA, FOR HEALTH, CULTURE, ECONOMIC OR GOVERNMENTAL PURPOSES; TO PAY THEREFOR OUT OF ANY FUNDS ON HAND, NOT OTHERWISE APPROPRIATED AND NOT DERIVED FROM TAXATION; AND TO LEASE, SELL OR DONATE THE SAID LANDS SO ACQUIRED.

The General Assembly of North Carolina do enact:

Authorizing City Commissioners of Wilson to purchase certain property.

SECTION 1. The Board of Commissioners of the Town of Wilson, North Carolina, are hereby fully empowered to acquire during the years one thousand nine hundred and forty-five or one thousand nine hundred and forty-six by purchase, or in any other manner, any lands in Wilson County, North Carolina, which, in the opinion of said board, may be advantageous to the health of the citizens, or of benefit to the cultural or economic life of the said Town of Wilson.

Relating to funds for said proposed purchases.

SEC. 2. Said board of commissioners are empowered to pay for said lands so acquired out of any funds or moneys of the Town of Wilson on hand, not otherwise appropriated, and not derived from taxation.

Relating to leasing or selling said lands.

SEC. 3. Lands so acquired may be, by the Town of Wilson held, leased to any person, corporation, or agency of the State of North Carolina or of the Federal Government upon such terms as to said board of commissioners may seem to the best interest of the Town of Wilson. The said lands may be, by the Town of Wilson, sold and conveyed, by public sale or private treaty to any person or corporation, upon such terms as to the said board of commissioners may seem just; and in the case of sale and conveyance to the State of North Carolina, or to the Federal Government, or to any agency of either, may be sold by private treaty at a nominal or no consideration, other than such public benefit as may accrue to the Town of Wilson in the use by such government or agency of said lands.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 254 CHAPTER 261

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY TO LEVY A SPECIAL TAX FOR THE COUNTY ACCOUNTANT AND COUNTY FARM AGENT.

The General Assembly of North Carolina do enact:

Authorizing Commissioners of Wayne County to levy taxes to support County Accountant Office.

SECTION 1. The Board of County Commissioners of Wayne County is hereby authorized and empowered to levy a special tax of one cent (1c) on the one hundred dollars ($100.00) valuation of property for the purpose of paying the salary of and expense of the office of county accountant.

Authorizing said Commissioners to levy taxes for office of County Farm Agent.

SEC. 2. The Board of County Commissioners of Wayne County is hereby authorized and empowered to levy a special tax of two and one-half cents (2½c) on the one hundred dollars ($100.00) valuation of property for the purpose of paying the salary of and expense of the office of county farm agent.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 295 CHAPTER 262

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-TWO, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, AS AMENDED BY CHAPTER SIXTY-THREE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, EXTRA SESSION, AND AMENDED BY CHAPTER TWENTY-THREE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, BEING THE CHARTER OF THE CITY OF DURHAM, BY AMENDING THE BOUNDARIES OF THE WARDS OF SAID CITY.

The General Assembly of North Carolina do enact:

Amending Charter of Durham to change ward boundaries.

SECTION 1. That Section three, Chapter one hundred and forty-two, Private Laws of one thousand nine hundred and twenty-one, Section two, Chapter sixty-three, Private Laws of one thousand nine hundred and twenty-four, Extra Session, and Section three, Chapter twenty-three, Private Laws of one thousand nine hundred and thirty-three, be and they are hereby amended by striking out all portions of said stated sections defining

the ward boundaries and in lieu thereof substituting the following words and figures, to-wit:

The territory comprised within the corporate limits of the City of Durham is hereby laid off into six wards as follows:

WARD NUMBER ONE.

Boundaries of Ward No. 1

Ward Number one shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to-wit: Beginning at the inter-section of the corporate limits of said city with the center line of Roxboro Road; and running thence along the center line of Roxboro Road southwardly to the center line of Markham Avenue; thence along the center line of Markham Avenue westwardly to the center line of Mangum Street; thence along the center line of Mangum Street southwardly to the center line of Main Street; thence along the center line of Main Street northwestwardly to the center line of Buchanan Road; thence along the center line of Buchanan Road northwardly to the center line of Guess Road; thence continuing northwardly along the center line of Buchanan Road, if projected, to the intersection of the center line of Ruby Street with the center line of Buchanan Road; thence continuing along the center line of Buchanan Road northwardly to the center line of Hudson Street; thence continuing northwardly along the center line of Buchanan Road, if projected, to the corporate limits; thence along and with the corporate limits eastwardly to the beginning point.

WARD NUMBER TWO.

Boundaries of Ward No. 2

Ward Number two shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to-wit: Beginning at the inter-section of the corporate limits of said city with the center line of Roxboro Road; and running thence along the center line of Roxboro Road southwardly to the center line of Markham Avenue; thence along the center line of Markham Avenue westwardly to the center line of Mangum Street; thence along the center line of Mangum Street southwardly to the center line of Main Street; thence along the center line of Main Street southeastwardly to the center line of Hyde Park Avenue; thence along the center line of Hyde Park Avenue northwardly to the center line of Liberty Street; thence along the center line of Liberty Street eastwardly to the center line of First Avenue; thence along the center line of First Avenue northwardly to the center line of Holly Street; thence continuing along the center line of First Avenue northwardly and northeastwardly to the center line of Miami Boulevard; thence along the center line of Miami Boulevard northwestwardly to the center line of Drew Street; thence along the center line of Drew Street eastwardly to the center line of Fay Street;; thence along the center line of Fay Street northwardly to the center line of Geer

Street; thence along the center line of Geer Street northeastwardly to the corporate limits; thence along and with the corporate limits northwestwardly and westwardly to the beginning point.

WARD NUMBER THREE.

Boundaries of Ward No. 3

Ward Number three shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to-wit: Beginning at the inter-section of the center line of Main Street with the center line of Mangum Street, and running thence along the center line of Mangum Street southwardly to and across the railroad tracks to the center line of McMannen Street; thence along the center line of McMannen Street to the center line of Hillside Avenue; thence along the center line of Hillside Avenue southwestwardly to the center line of South Street; thence following the center line of South Street as it runs to the Southern corporate limits; thence along and with the Southern corporate limits southeastwardly and eastwardly as it runs to its intersection with the center line of Lakeland Street; thence along the center line of Lakeland Street northwardly to its intersection with the center line of Smith Street, if Lakeland Street were projected in a line from its present terminus in Fleetwood Street across to form a continuation of Smith Street; thence along the center line of Smith Street northwestwardly to the center line of Glenn Street; thence along the center line of Glenn Street eastwardly and southeastwardly to the center line of Plum Street; thence along the center line of Plum Street northeastwardly to and across the railroad tracks to the center line of Angier Avenue; thence along the center line of Angier Avenue southeastwardly to the center line of Hyde Park Aveune; thence along the center line of Hyde Park Avenue northwardly to the center line of Main Street; thence along the center line of Main Street westwardly and northwestwardly to the center line of Mangum Street, the point of beginning.

WARD NUMBER FOUR.

Boundaries of Ward No. 4

Ward Number four shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to-wit: Beginning at the intersection of the center line of Main Street with the center line of Mangum Street, and running thence with the center line of Mangum Street southwardly to and across the railroad tracks to the center line of McMannen Street; thence along the center line of McMannen Street to the center line of Hillside Avenue; thence along the center line of Hillside Avenue southwestwardly to the center line of South Street; thence along the center line of South Street as it runs to the Southern corprate limits; thence along and with the Southern corporate limits as it runs in a general northwestwardly direction to its intersection with the center line of Chapel Hill Road; thence along

the center line of Chapel Hill Road northeastwardly to the center line of Anderson Street; thence along the center line of Anderson Street northwardly to the center line of Duke University Road; thence along the center line of Duke University Road eastwardly to the center line of Swift Aveune; thence along the center line of Swift Avenue northwardly and northeastwardly to the railroad right of way; thence across the said railroad right of way in a straight line to the center line of Main Street; thence along the center line of Main Street southwestwardly to the center line of Mangum Street, the point of beginning.

WARD NUMBER FIVE.

Boundaries of Ward No. 5

Ward Number five shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to-wit: Beginning at the intersection of the Southwestern corporate limits of the city with the center line of Chapel Hill Road, and running thence along the center line of Chapel Hill Road northeastwardly to the center line of Anderson Street; thence along the center line of Anderson Street northwardly to the center line of Duke University Road; thence along the center line of Duke University Road eastwardly to the center line of Swift Avenue; thence along the center line of Swift Aveune northwardly and northeastwardly to the railroad right of way; thence across said railroad right of way in a straight line to the center line of Main Street; thence along the center line of Main Street southeastwardly to the center line of Buchanan Road; thence along the center line of Buchanan Road northwardly to the center line of Guess Road; thence continuing northwardly along the center line of Buchanan Road, if projected, to the intersection of the center line of Ruby Street with the center line of Buchanan Road; thence continuing along the center line of Buchanan Road northwardly to the center line of Hudson Street; thence continuing northwardly along the center line of Buchanan Road, if projected, to the Northern corporate limits; thence following the corporate limits as it runs westwardly, southwestwardly, southwardly and southeastwardly to its intersection with the center line of Chapel Hill Road, the point of beginning.

WARD NUMBER SIX.

Boundaries of Ward No. 6

Ward Number Six shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to-wit: Beginning at the intersection of the Eastern corporate limits of the city with the center line of Geer Street, and running thence along the center line of Geer Street southwestwardly to the center line of Fay Street; thence along the center line of Fay Street southwestwardly to the center line of Drew Street; thence along the center line of Drew Street westwardly to the center line of Miami Boulevard; thence along the center line of Miami Boulevard southeastwardly to the center line of First Avenue; thence along the center line of First Avenue south-

westwardly to the center line of Holly Street; thence continuing along the center line of First Avenue southwardly to the center line of Liberty Street; thence along the center line of Liberty Street westwardly to the center line of Hyde Park Avenue; thence along the center line of Hyde Park Avenue southwardly to the center line of Angier Avenue; thence along the center line of Angier Avenue northwestwardly to the center line of Plum Street; thence along the center line of Plum Street southwardly to and thence across the railroad right of way to the center line of Glenn Street; thence along the center line of Glenn Street northwestwardly to the center line of Smith Street; thence along the center line of Smith Street southwardly to its present terminus; thence continuing along the center line of Smith Street if projected southwardly so that its center line would coincide with the center line of Lakeland Street; thence along the center line of Lakeland Street southwardly to the Southern corporate limits; thence along and following the corporate limits as it runs eastwardly, northeastwardly and northwestwardly to its intersection with the center line of Geer Street, the point of beginning.

SEC. 2. Nothing in this Act is intended to amend or in anywise change the provisions of Chapter fifteen, Private Laws of one thousand nine hundred and thirty-three, which shall continue to be in full force and effect.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 327 **CHAPTER 263**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-FOUR OF THE PUBLIC LAWS OF NORTH CAROLINA, REGULAR SESSION, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE COMPENSATION OF ELECTION OFFICIALS IN ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one of Chapter two hundred and sixty-four of the Public Laws of North Carolina, Regular Session, one thousand nine hundred and thirty-nine, by striking out the word "Alleghany" in the last line of said section. Amending 1939 Act, relating to compensation of election officials in Alleghany County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 336 CHAPTER 264

AN ACT TO PERMIT REVENUE COLLECTED FROM TAXES IN BLADEN COUNTY FIVE YEARS OR MORE IN ARREARS TO BE PLACED IN THE GENERAL FUND OF THE COUNTY.

The General Assembly of North Carolina do enact:

Relating to certain tax funds in Bladen County.

SECTION 1. All revenue collected from taxes, tax sales certificates, tax notes, or other evidences of tax liability in Bladen County, which are five years or more in arrears, may be placed in the general fund of the county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 337 CHAPTER 265

AN ACT TO AMEND CHAPTER ONE HUNDRED OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO THE ANNUAL SETTLEMENT AND REPORT OF THE TAX COLLECTOR OF BLADEN COUNY.

The General Assembly of North Carolina do enact:

Amending 1941 Act, relating to the annual settlement and report of the Tax Collector of Bladen County.

SECTION 1. Chapter one hundred of the Public-Local Laws of one thousand nine hundred and forty-one is hereby amended by rewriting Section four thereof to read as follows:

SEC. 4. That the Tax Collector of Bladen County shall make a full and complete settlement with the board of commissioners on or before the first Monday in October of each year for all taxes charged to him and for all revenues collected by him for the preceding fiscal year. In lieu of a written report from the tax collector, the board of commissioners may accept the report of the accountant who makes the annual audit of the tax collector's office. In no event shall the new tax books be turned over to the tax collector until full and complete settlement, as hereinabove provided for, has been made. The tax collector shall furnish to the board of county commissioners at its regular meetings on the

first Monday in each month a monthly report showing the progress made during the preceding month and the exact status of tax accounts for each and every year which have been placed with the tax collector for collection, this to the end that said monthly report may afford the board of county commissioners exact information as to the progress being made with tax collections.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 338 CHAPTER 266

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTEEN OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, RELATING TO THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Relating to compensation of Chairman of Board of Commissioners of Bladen County.

SECTION 1. Chapter one hundred and sixteen of the Session Laws of one thousand nine hundred and forty-three is hereby amended by striking out the words and figures "six hundred dollars ($600.00)" in the last line of Section one, and inserting in lieu thereof the words and figures "three hundred dollars ($300.00)"; and by adding the following at the end thereof:

Other Commissioners.

The members of the board, other than the chairman, shall be entitled to a reasonable compensation to be fixed by said board, not in excess of two hundred dollars ($200.00) per annum. The compensation herein provided for the chairman and other members of the Board of Commissioners of Bladen County shall be in lieu of any per diem compensation or mileage expense heretofore allowed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 339 CHAPTER 267

AN ACT TO FIX THE INTEREST ON TAX SALES CERTIFICATES IN BLADEN COUNTY TO NOT MORE THAN ONE-HALF OF ONE PER CENT PER MONTH.

The General Assembly of North Carolina do enact:

Interest on tax sales certificates in Bladen County shall not exceed 6%.

SECTION 1. The provisions contained in Section one hundred and five - three hundred and eighty-eight of the General Statutes, relating to the rate of interest allowed on tax sales certificates, shall not apply to Bladen County.

SEC. 2. In Bladen County the rate of interest allowed on such tax sales certificates shall not exceed one-half of one per cent (½ of 1%) per month.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 348 CHAPTER 268

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWENTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE OF NORTH CAROLINA, CHANGING THE CORPORATE LIMITS OF THE TOWN OF CANTON.

The General Assembly of North Carolina do enact:

Changing corporate limits of Canton.

SECTION 1. That Section one of Chapter four hundred and twenty-seven, Private Laws of one thousand nine hundred and forty-three, be amended to read as follows:

New limits.

Corporate boundary: Beginning on the Southeast bank of Pigeon River, at the mouth of Smathers-Pharr branch, thence up said branch four general calls as follows: South eight degrees West four hundred five feet to a marker; South fifty seven degrees thirty minutes East four hundred forty-six feet to a marker; South three degrees West eighty-three feet to a marker, crossing bridge leading to substation at forty feet; South forty-nine degrees East one hundred ninety feet to a stake in center of said branch in the Smathers-Pharr old line; thence up said branch as follows: South eighty-six degrees thirty minutes East one hundred seventy-three feet to a stake in the East margin of Pisgah Drive; thence same course South eighty-six degrees thirty minutes East three hundred fifty-nine feet to a marker in the center of small bridge over said branch; North nineteen degrees

fifteen minutes East two hundred sixty-two feet to a marker in the North margin of State Highway; thence with the North margin of same South seventy-two degrees twenty minutes East three hundred sixty feet to a marker in line of wire fence; North nineteen degrees fifteen minutes East one hundred seventy-eight feet to a marker in the South margin of Poplar Street, at East end of said street; thence same course North nineteen degrees fifteen minutes East seven hundred eleven feet to a marker in George Johnson's line; thence with his line one course, South eighty-two degrees thirty minutes East two hundred eighty feet to a "Marker"; North nineteen degrees fifteen minutes East four hundred feet to a marker in the center of Johnson Branch; thence up and with center line of said branch with the various meanders of same seven hundred eighty-six feet, more or less, to a marker in the Nana Jackson old line; thence with said line as follows: North three degrees West sixty feet to the center of Holtzclaw Street; North three degrees West five hundred seventy-seven and five-tenths feet to a marker; thence leaving the said Jackson old line North fifty-seven degrees East seven hundred fifty-one feet to a marker at a small cherry tree, in the J. A. May old line; thence with said line one call as follows: North seven degrees thirty minutes East ninety-eight feet to a stake on the South margin of Dutch Cove Road; thence crossing said road, South eight degrees fifty minutes West ninety-one feet to an iron pipe, Johnson and Smathers old corner; thence with Smathers and Johnson old line, North four degrees thirty minutes East three hundred sixty-three feet to a marker in corner of fence; thence with said Smathers and Johnson old line North sixty-nine degrees fifteen minutes West eight hunderd forty-three feet to a marker in fence, one hundred seventy-five feet East of the East margin of Williams Street; thence with a line one hundred seventy-five feet from the East margin of said Williams Street and parallel to said East margin twelve hundred and ten feet to a marker twenty feet South of South margin of United States Highway Number nineteen and twenty-three; thence with the line twenty feet South of South margin of United States Highway Number nineteen and twenty-three and parallel to same, South eighty-eight degrees and forty-five minutes East fourteen hundred and sixty-nine feet to a marker in the Dr. Johnson old line; thence with said old line South five degrees fifteen minutes West one hundred ninety-three feet to a marker in corner of fence on hill; thence East eleven hundred and forty-six feet to a marker at a walnut stump in the Abel old line; thence with said line North ten degrees West one hundred seventy feet to a marker in the South margin of old turnpike (now the North margin of a small branch); South seventy-eight degrees West one hundred sixty-two feet center line of a road over a culvert; thence North sixty-eight degrees West one hundred forty-three feet to the South end of a culvert under United States Highway Number nineteen and

New limits.

New limits.

New limits.

New limits.

twenty-three; thence with center line of said culvert crossing United States Highway Number nineteen and twenty-three North twenty-eight degrees forty minutes West forty-three feet to the North end of said culvert in the North margin of said United States Highway Number nineteen and twenty-three; thence with the North margin of said highway South eighty-nine degrees fifteen minutes West one hundred four feet to a marker in North margin of said highway; thence leaving the highway North seven degrees East passing through concrete culvert under Southern Railway three hundred thirty feet to a marker on the North side of said Southern Railway; thence westerly with the line one hundred feet North of the center line of Southern Railway and parallel to the center line of said railway twelve hundred fifty feet to a marker one hundred feet from the center line of said Southern Railway, same being on the West margin of the Davis Road; North nineteen degrees thirty minutes West

New limits.

nine hundred and five feet to a marker at Southeast corner of Harrison Street; North seventy-six degrees East one hundred twenty-five feet to a marker at end of graded road; North nineteen degrees forty-five minutes East four hundred seventy-five feet to a marker in the South margin of Flint Street; North fifty-five degrees thirty minutes East six hundred twenty-five feet to a marker in fence; thence South twenty-seven degrees East two hundred forty feet to a marker in corner of fence; thence South thirty-four degrees forty-five minutes East two hundred fifteen feet to a marker; thence South forty-one degrees fifteen minutes East one hundred ninety-five feet to a marker in Lee Davis' line; thence same course South forty-one degrees fifteen minutes East thirty-five feet to a marker on top of ridge; thence North eighty-six degrees East one hundred fifteen feet to a marker in the North margin of Star Ridge Road; thence same course North eighty-six degrees East one hundred feet to a marker on side of hill; thence with a line one hundred feet from the North margin of Star Ridge Road and parallel to same two calls as follows: North twenty-two degrees thirty minutes West four hundred fifty feet to a marker; thence North forty-

New limits.

three degrees West six hundred fifty-five feet to a marker in land line between Everhart and Coman; thence with said land line South thirty-six degrees thirty minutes West one hundred feet to a marker in the North margin of Star Ridge Road; thence with said North margin of Star Ridge Road North Sixty-six degrees thirty minutes West two hundred sixty-two feet to a marker; thence North thirty degrees fifty minutes West two hundred thirty-five feet to a marker in Northeast margin of said road; thence North forty-three degrees west seventy-three feet to a marker which is one hundred fifty feet Northeast of the Northeast margin of Newfound Road; thence North forty-five degrees East one hundred seventy-five feet to a marker; thence with a line parallel to and one hundred fifty feet from a Northeast margin of Newfound Street, North eleven de-

grees thirty-five minutes East one thousand one hundred fifteen feet to a marker; thence North thirty-eight degrees East two hundred seventy-five feet to a marker at William's barn; thence North sixty-nine degrees thirty minutes West twenty-eight feet to a large red oak, William's corner; thence North two degrees fifteen minutes East eight hundred and four feet to an iron pin in the center of Newfound Road; North seventy-eight degrees West one hundred and eleven feet to a marker in a wire fence; thence with fence as follows: North one degree fifty minutes East three hundred seventy-nine feet to a marker in said wire fence; thence South seventy-nine degrees fifteen minutes West two hundred seventy-four feet to a marker at a locust stump on the North side of road leading to reservoir; South eighty-nine degrees West eighty-three feet to a marker in the North margin of said road; thence with the North margin of said road as follows: westerly with the North margin of said road, seven hundred thirty feet to a marker on top of hill; thence South eighty-three degrees West four hundred and seven feet to a marker, passing present reservoir fence at seventeen feet North of same; South seventeen degrees twenty minutes East three hundred and two feet to a marked plum bush; thence with wire fence South three degrees East three hundred forty-six and five-tenths feet to a marker in said wire fence; North seventy degrees West three hundred fourteen feet to a marker at light pole Northwest side of a road and corner of Owen's lot; thence with wire fence and Owen's line two calls as follows: North eighty-five degrees West two hundred thirty-one feet to a marker in corner of fence, Owen's Northwest corner; thence with his line South eight degrees West one hundred thirty feet to a marker, Owen's Southwest corner; South eighty-five degrees thirty minutes West seven hundred ninety-four feet to a large hickory stump near the East margin of a farm road; South eighteen degrees fifteen minutes West eight hundred eighty-one feet to a marker in the center of Moore Branch; thence westerly, down and with the center of said Moore Branch twenty-seven hundred and seventy feet to the junction with Beaverdam Creek; thence down and with the center of said Beaverdam Creek, sixteen hundred and sixty-two feet to the Hipps Old Mill Dam, at station (Number one hundred thirty-three); South thirty-three degrees West one hundred eighty-one feet to a marker at a light pole six feet East of the East end of bridge over Beaverdam Creek in West margin of Beaverdam Road; South sixty-three degrees West one hundred sixty-five and five-tenths feet to a marker in the center of Pigeon River; thence down and with the said Pigeon River, one thousand ninety-six feet to a marker in the center of said river; thence South seventy-one degrees fifteen minutes West sixty-five feet to a marker at a large marked beech tree on the South bank of said river, South seventy-one degrees fifteen minutes West three hundred forty-seven feet to a marker on top of ridge in wire

New limits.

New limits.

New limits.

New limits. fence; South thirty-six degrees forty-five minutes West nine hundred seventy feet to a marker in East margin of road near a spring and large white oak; thence with East margin of said road South twelve degrees thirty minutes West three hundred thirteen feet to a marker in center of old abandoned road; thence with center of said road South eighteen degrees thirty minutes East one hundred ninety-five feet to a marker in center of said old road; thence with said road South forty degrees East two hundred twenty-five feet to a marker in North margin of Fibreville Road; thence with North margin of said road North sixty-seven degrees forty-five minutes East two hundred thirteen feet to a marker in North margin of said road; thence North fifty-four degrees thirty minutes East one hundred fifty-eight feet to a marker on North bank of said road; South fifteen degrees thirty minutes East two hundred forty-three feet to a marker and witnesses; South sixty-four degrees twenty-eight minutes East eight hundred twenty-five feet to a marker on a ridge; South seventy-five degrees East four hundred sixty feet to the East margin of State Highway; thence with East margin of said road southwesterly course two thousand sixty-seven feet to a marker designated as point "B" on city map; thence continuing with the East margin of said road, three hundred forty-three

New limits. feet to a marker in the South margin of the United States Highway Number nineteen and twenty-three; thence with the margin of said highway South sixty degrees East two hundred sixteen feet to a marker which is sixty-four feet North of center line of the main line of the Southern Railway; South twenty-one degrees thirty minutes West one hundred forty-seven feet to a marker at a red oak stump, crossing railroad at sixty-four feet; South six degrees forty minutes East thirteen hundred feet to a marker on top of ridge at a transmission tower; thence down said ridge as follows: North eighty-three degrees East nine hundred eighty feet to a marker which stands six feet South of circular reservoir; thence South fifty-eight degrees five minutes East twelve hundred twenty-five feet to an iron pin in the center of North driveway at armory and Southeast margin of State Highway; thence with the Southeast margin of said highway South forty-three degrees West one hundred fifty-one feet to a marker in Southeast margin of said highway; thence South sixty-four degrees West two hundred twenty-one feet to a marker in the Southeast margin of said highway; thence South seventy-eight degrees thirty-five minutes West one hundred seventy-one feet to a marker in Southeast margin of said highway; thence leaving said highway and following the line of Carolina Power and Light

New limits. Company South five degrees East three hundred sixty-six feet to the center of Pigeon River; thence down center of said river with its various meanders nine hundred seventy feet to a marker in the center of said river opposite the mouth of Smathers-Pharr Branch; thence South fifty-eight degrees five minutes East seventy feet to the beginning.

SEC. 2. That the territory described in Section one of this Act shall be and constitute the corporate limits of the Town of Canton after passage of this Act.

SEC. 3. That all laws and clauses or parts of laws in conflict with any of the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 364 CHAPTER 269

AN ACT FIXING THE FEES OF JURORS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section nine - five of the General Statutes of North Carolina is hereby amended by adding at the end thereof, the following: Fixing compensation of jurors in Currituck County.

Provided: That in Currituck County jurors of the superior court and the grand jurors shall receive a per diem of four dollars ($4.00) per day with mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home.

SEC. 2. Special veniremen or "pick up" jurors in the Superior Court of Currituck County shall receive a per diem of three dollars ($3.00) with mileage at the rate of five cents (5c) per mile while coming to and from the county seat, except for the first day for which they shall receive no mileage. Special veniremen.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 403 CHAPTER 270

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTY-FOUR - TWO - COUNTY SURVEYOR'S BOND - AS IT APPLIES TO YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and forty-four - two of the General Statutes of North Carolina in so far as it applies to the County Surveyor of Yancey County is hereby amended by Relating to Bond of County Surveyor of Yancey County.

striking out the words "one thousand" in line three thereof and substituting therefor the words "five hundred."

SEC. 2. That the provisions of this Act shall apply to the bond of the County Surveyor of Yancey County elected in the general election of November seventh, one thousand nine hundred and forty-four and to his successors in office.

SEC. 3. That this Act shall apply only to Yancey County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 404 CHAPTER 271

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTY-TWO - THREE - CORONER'S BOND - AS IT APPLIES TO YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Relating to Bond of Coroner of Yancey County.

SECTION 1. That Section one hundred and fifty-two - three of the General Statutes of North Carolina as it applies to the coroner of Yancey County is hereby amended by striking out the words "two thousand" and the figures "$2,000.00" in line five thereof and substituting therefor the words "five hundred" and the figures "$500.00."

SEC. 2. That the provisions of this Act shall apply to the bond of the coroner of Yancey County elected in the general election of November seventh, one thousand nine hundred and forty-four and to his successors in office.

SEC. 3. That this Act shall apply only to Yancey County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

S. B. 20 **CHAPTER 272**

AN ACT TO REQUIRE THAT THE TEACHERS, PRINCIPALS AND SUPERINTENDENTS IN THE PUBLIC SCHOOLS SERVING IN THE ARMED AND AUXILIARY FORCES OF THE UNITED STATES BE ALLOWED CREDIT FOR EXPERIENCE INCREMENTS DURING THE PERIOD OF SUCH SERVICE.

Teachers in Armed Forces.

WHEREAS, many teachers, principals and superintendents in the public schools of the State are now serving in the armed and auxiliary forces of the United States; and

Their normal experience increments.

WHEREAS, such teachers, principals and superintendents because of such service, may be deprived of the normal experience increments provided for in the State salary schedules; and

Should not be lost.

WHEREAS, fairness requires that no loss of credit shall be sustained by such teachers, principals and superintendents by reason of patriotic service to our country: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the General Statutes of North Carolina be, and the same hereby is, amended by adding in Chapter one hundred and fifteen a section as follows:

Time served in Armed Forces shall count as experience increments in salaries of teachers, principals and superintendents.

SEC. 115-359.1. Salary increments for experience to teachers, principals and superintendents serving in armed and auxiliary forces. That the State Board of Education, in fixing the State standard salary schedule of teachers, principals and superintendents as authorized by Section one hundred and fifteen-three hundred and fifty-nine, shall provide that teachers, principals and superintendents who entered the armed or auxiliary forces of the United States after September sixteenth, one thousand nine hundred and forty, and who left their positions for such service, shall be allowed experience increments for the period of such service as though the same had not been interrupted thereby, in the event such persons return to the positions of teachers, principals or superintendents in the public schools of the State after having been honorably discharged from the armed or auxiliary forces of the United States.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

S. B. 92 **CHAPTER 273**

AN ACT TO FIX THE SALARIES OF THE SOLICITORS AND RECORDERS OF THE SEVERAL RECORDERS' COURTS IN ROBESON COUNTY AND TO PROVIDE FOR A CLERK FOR THE LUMBERTON RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Commissioners of Robeson County are authorized to fix salaries of judges and solicitors in Recorders Courts in said County.

SECTION 1. The Board of Commissioners of Robeson County is authorized to and shall, within its discretion, fix the salaries of the several recorders and the several solicitors of the Recorders' Courts in Robeson County on a monthly basis, the salaries so fixed to apply until the first Monday of December, one thousand nine hundred and forty-five, and on the first Monday in December thereafter said board of commissioners shall fix the salaries for said solicitors and recorders for the ensuing year.

Commissioners of said County are authorized to appoint Clerk of Recorders Court of Lumberton and fix his salary.

SEC. 2. The Board of Commissioners of Robeson County is authorized to and shall appoint a Clerk for the Recorder's Court of the Lumberton District whose duty it shall be to keep a record of all warrants and criminal cases which shall come before said court, to collect and account for all costs, fines, bonds and forfeitures made or ordered by said recorder's court and to perform generally the duties with respect to said recorder's court which the clerk of the superior court performs with respect to the criminal courts of the superior court. Said clerk is authorized to issue warrants returnable to the Lumberton Recorder's Court. Said clerk shall account to and pay to the office of the County Manager of Robeson County the moneys collected by him as such clerk in the same manner and subject to the same regulations as the solicitors of the other recorder's court districts are required to do. The term of office of the first clerk so appointed shall run until the first Monday of December, one thousand nine hundred and forty-five, and thereafter such clerk shall be appointed on the first Monday of each year for a term of one year. The salary of said clerk shall be fixed by the Board of Commissioners of Robeson County and said clerk may by agreement with said board of commissioners perform other duties in connection with the business of Robeson County. Said clerk shall furnish bond similar to that heretofore required by the Solicitor of the Lumberton Recorder's Court, and upon qualifying as such clerk and giving proper bond, the Solicitor of the Lumberton Recorder's Court District shall be relieved of the duties as clerk of said court, but shall continue to issue warrants and prosecute the docket.

In other Recorders Courts in Robeson County, the solicitor shall serve as Clerk and keep records and make reports.

SEC. 3. In the recorders' courts other than that for the Lumberton District, the solicitor of each recorder's court shall act as clerk of said court as heretofore provided by law and the clerk of the Lumberton Recorder's Court and each of the solicitors of the other recorders' courts shall on or before the fifteenth

day of each month file in the office of the County Manager of Robeson County a report over their respective signatures covering the preceding month and showing in detail the names of all cases coming before the court, the disposition of such cases, the amounts ordered paid and amounts paid as costs, fines and forfeitures or other moneys paid to such clerk or such solicitors, and shall at the time of filing such report pay to the county manager the amount due the county according to such report. Each court shall keep a docket record of all cases coming before it, which record shall be signed on the day when any case is disposed of by the recorder and solicitor of the court, which docket records shall be available for examination by the public generally and especially by the county manager's office and the parties auditing the records of Robeson County. Upon failure to file the report herein provided to be filed by the Clerk of the Lumberton Recorder's Court and the solicitors of the other recorders' courts, the Board of Commissioners of Robeson County may hold up payment of the salary of such clerk or solicitor failing to make such report until the report has been made.

Relating to duties of judges and solicitors.

SEC. 4. That the duties and requirements of the several recorders and solicitors as heretofore provided by law, unless they are by this Act specifically changed, shall remain in full force and effect, the duties and requirements herein provided being in addition to those heretofore provided.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

S. B. 138 CHAPTER 274

AN ACT TO AUTHORIZE THE RECORDER'S COURT OF THOMASVILLE TO SENTENCE DEFENDANTS TO WORK ON CITY STREETS AND CITY PROJECTS.

The General Assembly of North Carolina do enact:

Relating to Recorder's Court of Thomasville.

SECTION 1. That the Recorder's Court of Thomasville, in Davidson County, is hereby authorized and empowered to sentence persons convicted therein to the city jail of Thomasville to be worked on the city streets or other city projects.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

S. B. 139 **CHAPTER 275**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTW-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE RELATING TO THE SALARIES OF THE JUDGE AND SOLICITOR OF THE THOMASVILLE RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Relating to salary of Judge of Recorder's Court of Thomasville.

SECTION 1. That Subsection (A) of Section three of Chapter two hundred and forty-five of the Public-Local Laws of one thousand nine hundred and thirty-three is hereby amended by striking out the words "or more than fifteen hundred ($1,500.00) dollars per year" in the last two lines of said subsection.

Solicitor.

SEC. 2. That Subsection (B) of Section three of Chapter two hundred and forty-five of the Public-Local Laws of one thousand nine hundred and thirty-three is hereby amended by striking out the words "or more than twelve hundred ($1,200.00) dollars per year" in the last two lines of said subsection.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

S. B. 162 **CHAPTER 276**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LUMBERTON TO CHANGE THE CORPORATE NAME TO THE CITY OF LUMBERTON AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Amending charter of Lumberton.

SECTION 1. That Chapter three hundred and forty-three, Private Laws of North Carolina, Session of one thousand nine hundred and seven, be amended by striking out all of Section one and substituting in lieu thereof, the following:

Changing name to City of Lumberton.

SECTION 1. That the inhabitants of Lumberton shall continue to be as heretofore a body politic and corporate, under the name and style of the City of Lumberton, and under such name is hereby invested with all the property and rights of property, and all rights, privileges, powers and authorities which now belong to or are possessed by the present Town of Lumberton, and all powers heretofore granted by any law now in force in reference to said Town of Lumberton are hereby invested in

the City of Lumberton; and in and by that name the said City may sue and be sued, plead and be impleaded, acquire and hold property, real and personal, for the use of the City of Lumberton as the proper authorities may deem necessary and expedient; *provided, however,* that no law or ordinance and rule or regulation of the present corporation shall be affected by this Act unless inconsistent therewith; nor shall any duty, debt or obligation due by the present Town of Lumberton to any person, firm or corporation, be impaired by this Act, but such debt or obligation shall remain in full force and its full, true and lawful performance is hereby imposed upon the said City of Lumberton.

Does not affect any Ordinance or any obligation.

SEC. 2. That Section three of Chapter three hundred and forty-three, Private Laws of North Carolina, Session of one thousand nine hundred and seven, be amended by striking out the word "town" in line seven and by substituting in lieu thereof the word "city."

Changing "town" to "city."

SEC. 3. That Section seven of Chapter three hundred and forty-three, Private Laws of North Carolina, Session of one thousand nine hundred and seven, be amended by striking out the word "town" in line two and substituting in lieu thereof the word "city," and that said Section seven be further amended by striking out the word "town" in line thirteen and substituting in lieu thereof the word "city."

"Town to city."

SEC. 4. That Chapter three hundred and forty-three, Private Laws of North Carolina, Session of one thousand nine hundred and seven, be further amended by striking out all of Subsection (c) of Section thirty-one and substituting in lieu thereof, the following:

SUBSEC. (c). Such primary election shall be held on the second Tuesday before the first Monday in May, one thousand nine hundred and forty-five, and on said day in each and every year thereafter at the regular voting places in the City of Lumberton, under rules and regulations prescribed by the board of commissioners of said city, and the returns shall be made and results declared forthwith. The returns shall be filed in the office of the city clerk and shall remain there for public inspection. In case a second primary shall be necessary to determine who is lawfully nominated for an office of said City of Lumberton, the same shall be held under the same rules and regulations of the first primary, or other rules prescribed by the Board of Commissioners of the City of Lumberton, on the first Tuesday before the first Monday in May; and the returns from any such second primary, if held, shall be made and the results declared forthwith; the returns shall be filed in the office of the city clerk and there remain for public inspection.

Relating to primary elections.

"Town" to "city."

SEC. 5. That wherever the word "town" shall appear in Sections other than one, three and seven, and Subsection (c) of Section thirty-one, in Chapter three hundred and forty-three, Private Laws of North Carolina, Session of one thousand nine hundred and seven, and Acts amendatory thereof, and in Chapter eleven, Private Laws of North Carolina, Session of one thousand nine hundred and seventeen, the same be, and it is hereby stricken out, and the word "city" substituted in lieu thereof.

SEC. 6. That Section forty-two of Chapter three hundred and forty-three, Private Laws of North Carolina, Session of one thousand nine hundred and seven, be amended by striking out the word "Tuesday" in line ten and substituting in lieu thereof the word "Friday."

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

S. B. 163 CHAPTER 277

AN ACT TO GIVE SPECIAL APPROVAL TO THE COUNTY COMMISSIONERS OF BURKE COUNTY TO LEVY TAXES FOR SPECIAL PURPOSES IN EXCESS OF THE FIFTEEN CENTS LIMITATION SET OUT IN ARTICLE V, SECTION SIX, OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Authorizing increased tax rates in Burke County for farm agent, assistant and home demonstration agent.

SECTION 1. That the Board of County Commissioners of Burke County is hereby authorized and empowered to levy a tax not to exceed three cents upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents limit set out in Article V, Section six, of the Constitution of North Carolina, for the special purpose of paying the salaries of the county farm agent, assistant county farm agent, home demonstration agent and the expenses of operating said offices.

County accountant and assistant.

SEC. 2. That the Board of County Commissioners of Burke County is hereby authorized and empowered to levy a tax not to exceed three cents upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents limit set out in Article V, Section six, of the Constitution of North Carolina, for the special purpose of paying the salaries of the county accountant and assistant to the county accountant.

SEC. 3. That if any section, or part of any section of this Act is declared to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Act shall not thereby be invalidated.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

S. B. 184 **CHAPTER 278**

AN ACT TO AMEND CHAPTER ONE HUNDRED AND ONE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE AND TO CLARIFY AND DEFINE THE CORPORATE LIMITS OF THE TOWN OF CONOVER IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter one hundred and one of the Private Laws of one thousand eight hundred and eighty-three be amended and by striking out that part of Section one which defines the corporate limits of the Town of Conover and inserting in lieu thereof the following: Changing corporate limits of Conover.

That the corporate limits of the Town of Conover shall be more particularly defined as follows:

Beginning at a concrete monument located on the Fannie Smith lands, South of the old Yount Mill, and running thence North forty-seven degrees forty-five minutes West five thousand and twenty-nine feet, passing concrete monuments on the Newton-Conover Highway and at other roads on said line to a concrete monument in the field on the lands of Mary Abernethy; thence North forty degrees twenty-five minutes East five thousand one hundred and thirty-five feet to a concrete monument located on Dr. Charles Herman's lands; thence South forty-nine degrees thirty minutes East five thousand three hundred and thirteen feet to a concrete monument in an open field on the W. J. Hunsucker Estate lands; thence South forty-three degrees West five thousand two hundred and fourteen feet to the beginning. New limits.

The above boundaries are identical with those described in a boundary survey and plat of the Town of Conover by G. Sam Rowe, Civil Engineer, dated January twenty-fourth and twenty-fifth, one thousand nine hundred and forty-five, which plat is duly recorded in the office of Register of Deeds for Catawba County in Book of Plats Number four at Page sixty-seven, and to which Refers to recorded plat.

plat and record thereof in the office of the Register of Deeds for Catawba County reference is hereby made for further and complete description.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 11 CHAPTER 279

AN ACT TO MAKE APPROPRIATIONS FOR THE MAINTENANCE OF THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

GENERAL FUND

Appropriations from General Fund for next biennium.

SECTION 1. That appropriations out of the General Fund of the State for the maintenance of the State's departments, bureaus, institutions, and agencies, and for other purposes as enumerated are hereby made for the two fiscal years ending June thirtieth, one thousand nine hundred and forty-six, and June thirtieth, one thousand nine hundred and forty-seven respectively, according to the following schedule:

Legislative.

I. LEGISLATIVE

	1945-46	1946-47
1. General Assembly (Session of 1947)	$	$ 200,000

Judicial.

II. JUDICIAL

1. Supreme Court—Justices	$ 63,350	$ 63,350
2. Supreme Court—Departmental Expense	37,810	37,810
3. Supreme Court—Printing Reports and Reprints	16,000	16,000
4. Superior Courts—Judges	236,433	236,433
5. Superior Courts—Solicitors	105,000	105,000

Executive and Administrative.

III. EXECUTIVE AND ADMINISTRATIVE

1. Governor's Office:		
(1) Governor's Office	$ 40,242	$ 40,242
(2) The Budget Bureau	46,840	52,140
(3) Division of Purchase and		

	1945-46	1946-47
Contract	40,020	39,720
2. Secretary of State	36,073	37,973
3. State Auditor	74,783	70,783
4. State Treasurer	67,873	64,298
5. Department of Justice:		
(1) Attorney General	47,915	49,040
(2) Bureau of Investigation	64,275	65,275
6. Department of Revenue	885,145	885,145
7. Division of Tax Research	49,760	51,185
8. Department of Public Instruction	131,915	130,915
9. Department of Archives and History	43,519	31,919
10. State Library	15,136	14,536
11. Library Commission	21,719	21,719
12. Board of Charities and Public Welfare:		
(1) Board of Charities and Public Welfare	140,351	140,751
(2) Eugenics Board	1,700	1,700
13. State Board of Health:		
(1) State Board of Health	463,291	462,991
(2) Laboratory of Hygiene	80,743	80,243
14. Adjutant General	158,779	158,779
15. Utilities Commission:		
(1) Utilities Commission	44,594	46,594
(2) Public Utilities Bus and Railroad Freight Rate Investigation	25,000	25,000
16. Insurance Department	82,259	83,259
17. Department of Labor:		
(1) Department of Labor	209,190	207,290
(2) Board of Boiler Rules	1,800	1,800
(3) Industrial Commission	109,226	107,201
18. Department of Conservation and Development:		
(1) Department of Conservation and Development	469,744	448,555
(2) Commercial Fisheries	20,000	20,000
(3) Tryon Palace	150,000	
19. State Board of Elections	11,540	12,540
20. Local Government Commission	22,610	23,010
21. Department of Agriculture: Weights and Measures	37,930	34,830
22. Board of Public Buildings and Grounds:		
(1) Buildings and Grounds	171,353	167,426
23. State Board of Alcoholic Control	55,090	55,090

		1945-46	1946-47
24.	Unemployment Compensation Commission	80,762	80,762
25.	State Commission for the Blind	92,525	92,525
26.	Rural Electrification Authority	13,717	13,717

Educational Institutions.

IV. EDUCATIONAL INSTITUTIONS

1.	University of North Carolina (Consolidated):		
	(1) General Administration	$ 26,643	$ 26,643
	(2) University of North Carolina	1,196,245	1,066,339
	(3) State College of Agriculture and Engineering	819,313	749,913
	(4) Woman's College of the University of North Carolina	590,792	542,127
2.	Experiment Station—State College	293,851	307,132
3.	Cooperative Agricultural Extension—State College	389,966	427,326
4.	East Carolina Teachers College	227,451	184,082
5.	Negro Agricultural and Technical College	117,360	100,660
6.	Western Carolina Teachers College	140,920	135,125
7.	Appalachian State Teachers College	181,582	171,332
8.	Pembroke State College for Indians	52,005	52,228
9.	Winston-Salem Teachers College (Colored)	78,743	79,093
10.	Elizabeth City State Teachers College (Colored)	62,639	56,439
11.	Fayetteville State Teachers College (Colored)	70,470	69,920
12.	North Carolina College for Negroes	234,395	231,395
13.	North Carolina School for the Deaf	214,097	199,523
14.	State School for the Blind and the Deaf:		
	(1) State School for the Blind and the Deaf	239,130	191,510
	(2) Blind Student Aid	2,400	2,400

V. CHARITABLE AND CORRECTIONAL INSTITUTIONS

Charitable and Correctional Institutions.

	1945-46	1946-47
1. State Hospitals:		
(1) General Administration	$ 11,900	$ 11,900
(2) State Hospital at Raleigh	1,473,100	1,165,100
(3) State Hospital at Morganton	1,434,679	1,232,879
(4) State Hospital at Goldsboro	693,627	560,110
(5) Caswell Training School	396,810	278,273
2. North Carolina Orthopedic Hospital	153,074	154,840
3. North Carolina Sanatoria:		
(1) North Carolina Sanatorium	343,627	343,882
(2) Extension Bureau	47,430	33,030
(3) Western North Carolina Sanatorium	161,423	160,230
(4) Eastern North Carolina Sanatorium	135,748	130,748
4. Correctional Institutions:		
(1) General Administration	10,530	10,130
(2) Stonewall Jackson Training School	177,410	176,433
(3) State Home and Industrial School for Girls	92,517	86,892
(4) Morrison Training School	79,446	76,946
(5) Eastern Carolina Training School	57,030	52,430
(6) State Industrial Farm Colony for Women	32,854	32,800
(7) State Training School for Negro Girls	32,890	31,990
5. Confederate Cemetery	350	350
6. Confederate Women's Home	22,897	15,847
7. Oxford Orphanage	35,000	35,000
8. Junior Order Orphanage	20,000	20,000
9. Oxford Colored Orphanage	40,000	35,000
10. Pythian Orphanage	5,000	5,000

VI. STATE AID AND OBLIGATIONS

State Aid.

1. Board of Charities and Public Welfare:		
(1) Care Dependent Children	$ 10,000	$ 10,000
(2) Old Age Assistance	1,500,000	1,500,000
(3) Aid to Dependent Children	580,000	580,000
(4) Aid to County Welfare Administration	150,000	150,000
2. Board of Health for Orthopedic Clinics	6,000	6,000
3. Industrial Rehabilitation	15,000	15,000

		1945-46	1946-47
4.	Fugitives from Justice	2,850	2,850
5.	Indemnity Diseased Slaughtered Livestock:		
	(1) Tuberculosis and Glanders	1,000	1,000
	(2) Bangs Disease	12,000	12,000
6.	Landscrip Fund	7,500	7,500
7.	Firemen's Relief	1,750	1,750
8.	Bennett Memorial	50	50
9.	Confederate Museum	200	200
10.	Blind Aid	166,833	166,833
11.	Department of Agriculture:		
	(1) Control of Japanese Bettle	12,500	12,500
	(2) White Fringed Beetle Control	5,000	5,000
	(3) Credit Unions	4,138	4,138
	(4) Marketing	25,000	25,000
	(5) State Museum	15,092	15,092
	(6) Hog Cholera Work	12,500	12,500
12.	Retirement Teachers and State Employees:		
	(1) Administration	52,809	51,084
	(2) State's Contribution	2,715,022	2,715,022
13.	Merit System Council	18,977	18,977
14.	State Aid to Public Libraries	175,000	175,000
15.	State Art Society	2,000	2,000
16.	North Carolina Symphony Orchestra	4,000	4,000
17.	State Soil Conservation Committee	5,000	5,000

Pensions.

VII. PENSIONS

1.	Confederate Veterans and Widows	$ 220,000	$ 220,000
2.	Olivia B. Grimes	600	600
3.	Annie Burgin Craig	1,200	1,200
4.	Mrs. C. B. Aycock, Sr.	1,200	1,200
5.	Mrs. W. W. Kitchen	1,200	1,200
6.	Teachers Who Had Attained Age 65 at March 10th, 1943	42,000	42,000

Contingency and Emergency.

VIII. CONTINGENCY AND EMERGENCY

1. To provide for contingency and emergency expenditures for any purpose authorized by law for which no specific appropriation is made, or for which inadvertently an insufficient appropriation has been made hereunder. Allotments to be made from this appropriation under the provision of Section

	1945-46	1946-47
twelve of Article I of Chapter one hundred and forty-three of the General Statutes of North Carolina, or of such other statute as may be applicable	$ 750,000	$ 750,000

IX. PUBLIC SCHOOLS

Public Schools.

1. Support of Nine Months Term Public Schools	$41,360,374	$41,997,738
2. State Board of Education	91,715	91,015
3. Vocational Education	1,112,026	1,257,427
4. Purchase of Free Textbooks	435,000	305,000
5. Vocational Textile Training School	8,945	9,320
6. Purchase of School Buses	1,338,764	960,000

X. DEBT SERVICE

Debt Service.

1. Redemption Special School Building Bonds of 1921	$ 151,858	$ 72,413

AGRICULTURE FUND

Appropriations from the Agricultural Fund for the next biennium.

SEC. 2. That appropriations out of the Agriculture Fund of the State for maintenance of agricultural activities are hereby made for the two fiscal years ending June thirtieth, one thousand nine hundred and forty-six, and June thirtieth, one thousand nine hundred and forty-seven, respectively, according to the following schedule:

XI. AGRICULTURE

1. Department of Agriculture	$ 751,137	$ 751,132
2. State Fair (The appropriations under Title XI-1 may be increased under authorization by the Director of the Budget as realized receipts of the Agriculture Fund may justify. The State Fair under Title XI-2 may be operated within its own receipts in the discretion of the State Board of Agriculture).		

HIGHWAY AND PUBLIC WORKS FUND

Appropriations from Highway and Public Works Fund for next biennium.

SEC. 3. That appropriations out of the Highway and Public Works Fund of the State for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of the highway activities, are hereby made for the two fiscal years ending June thirtieth, one thousand nine hundred and forty-six, and June thirtieth, one thousand nine hundred and forty-seven, respectively, accordig to the following schedule:

Highways and Public Works.

XII. HIGHWAY AND PUBLIC WORKS

	1945-46	1946-47
1. State Highway and Public Works Commission—Administration	$ 185,000	$ 185,000
2. Department of Motor Vehicles, Highway Patrol, Drivers' Licenses and Safety Promotion	1,611,325	1,666,325
3. Maintenance of State Highways: (1) Regular Maintenance	5,500,000	5,500,000
4. Maintenance and/or Construction County Highways	10,000,000	10,000,000
5. Betterments State and County Highways:		
(1) General Betterments	5,000,000	5,000,000
(2) Retreatments	2,500,000	3,000,000
(3) Betterments County Roads	5,000,000	5,000,000
6. Construction State and County Highways:		
(1) To Match Federal Aid	8,500,000	13,000,000
7. Scenic Highway	200,000	200,000
8. Maintenance Highways in Cities and Towns	1,000,000	1,000,000
9. Probation Commission	95,865	95,135
10. Parole Commission	87,440	87,440
11. Bus Investigations	35,390	29,390
12. Employer's Contribution to Retirement System	340,000	375,000

Highway Debt Service.

XIII. DEBT SERVICE (HIGHWAY FUND)

1. Interest on Bonds	$ 2,226,708	$ 2,016,239
2. Sinking Fund Installments	500,000	500,000
3. Redemption of Bonds	4,850,000	4,925,000

(Transfers or changes may be made to and/or from Titles XII-3, 4 and 5 under authorization by the Director of the Budget; *provided*, no item shall be reduced more than fifteen per cent (15).)

(*Provided,* in the event the receipts and/or increments to the Highway Fund shall be more than the appropriations herein made, such excess may be made available by the Director of the Budget for expenditures either in the current or next succeeding year under Titles XII-three, four, five and six).

(*Provided further,* that preference shall be given what is commonly known as secondary roads in the expenditure of any such increased appropriations).

(*Provided, however,* that it is the intent and purpose of the General Assembly that the State Highway and Public Works Commission shall give preference in the expenditure of the items of construction and State and county betterments for the extension and improvements of the public roads and bridge facilities of those sections of the State that have not heretofore been accorded equal opportunities in the development of the highway system, to the end that all sections of the State may, in so far as possible, be provided with benefits of an improved highway system).

(The appropriations made herein to Titles XII-three and four, include twenty-five thousand dollars ($25,000.00) for each year, to be transferred or paid to the State Hospital at Raleigh, and include eighteen thousand dollars ($18,000.00) for each year to be transferred or paid to the State Hospital at Goldsboro for care, custody, and treatment of the criminally insane, and include twenty-one thousand and nine hundred dollars ($21,900.00) for each year to be transferred or paid to the North Carolina Sanatorium for care, custody, and treatment of the prisoners who have tuberculosis.)

Compensation of Board members.

SEC. 4. That fees or compensations to be paid to members of boards or commissions for attendance out of or under the appropriations made in Section one, two and three of this Act shall be fixed at rates per diem as shown in the following schedule:

Advisory Budget Commission, seven dollars ($7.00) and necessary travel expenses.

State Board of Education, seven dollars ($7.00) and necessary travel expenses.

Highway and Public Works Commission, seven dollars ($7.00) and necessary travel expenses.

State Board of Alcoholic Control, seven dollars ($7.00) and necessary travel expenses.

State Board of Agriculture, seven dollars ($7.00) and necessary travel expenses.

State Board of Health, seven dollars ($7.00) and necessary travel expenses.

State Board of Elections, seven dollars ($7.00) and necessary travel expenses.

All other boards and commissions, including those governing the institutions, but not including such as its members are now serving without compensation, three dollars and fifty cents ($3.50) per day and five cents (5c) per mile of travel going and returning and necessary travel expenses.

Special provisions.

SEC. 5. That appropriations provided in this Act shall be in lieu of all appropriations or allowances for the Alcoholic Beverage Control Board, the Department of Revenue, or any other board, bureau or agency of the State by the Revenue Act, Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine as amended, except the appropriation to the Department of Revenue made by Section seven hundred and sixteen of the Revenue Act, Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine for administration of the Intangible Personal Property Tax Schedule.

GENERAL PROVISIONS

Relating to travel expenses.

SEC. 6. That allowances out of or under the appropriations made in Sections one, two and three of this Act for travel expenses cover only ordinary field travel and occasional travel in connection with the work of the department, institution, or agency, and shall be so limited, unless provision is made through a travel authorization by the Director of the Budget for out of State travel. Allowances covering only actual expenses, shall not be made in excess of the following:

Relating to rates for hotel, meals and travel.

For subsistence—hotel and meals—five dollars ($5.00) per day; for out of State when authorized, six dollars and fifty cents ($6.50) per day; for transportation, using personally owned automobile, five cents (5c) per mile of travel; for bus, railroad, Pullman, or other public conveyance, actual fare.

Official Bonds.

SEC. 7. That all insurance and all official, fidelity, and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of such placement shall be liquidated by the department, institution, or agency involved upon bills rendered to and approved by the Insurance Commissioner.

SPECIAL PROVISIONS

Relating to cost of audits of State Highway and Public Works records by State Auditor.

SEC. 8. That the cost of all audits made by the State Auditor of the books and accounts of the State Highway and Public Works Commission under Section twenty-four of Chapter two of the Public Laws of one thousand nine hundred and twenty-one, which cost is hereby fixed at two thousand and five hundred dollars ($2,500.00) for each year, shall be paid out of the funds of the

State Highway and Public Works Commission. Such audits shall be made by the State Auditor and members of his staff.

Expenses of Banking Department.

SEC. 9. That all expenses of every kind, and including a reasonable charge by the Board of Public Buildings and Grounds for the use of offices, occupancy and telephone service, by the Banking Department, shall be paid out of fees collected under Chapter fifty-three, Section one hundred and twenty-two, of the General Statutes of North Carolina.

Cooperative Agricultural Extension work.

SEC. 10. That appropriations for Cooperative Agricultural Extension work under Title IV-three, Section one, of this Act are made to meet the State's share of funds provided by the Smith-Lever Act of Congress and to further promote agricultural work.

School for the Deaf and School for the Blind and the Deaf.

SEC. 11. That appropriations made to the North Carolina School for the Deaf under Title IV-thirteen and to the State School for the Blind and the Deaf under Title IV-fourteen-(1) Section one of this Act, include provisions for the cost of clothing and transportation for indigent pupils. The institution shall be reimbursed for these items by the counties liable therefor under the provisions of Chapter one hundred and sixteen, Section one hundred and eighteen, of the General Statutes of North Carolina.

Oxford Colored Orphanage.

SEC. 12. That appropriations made to the Oxford Colored Orphanage under Title V-nine, Section one, of this Act shall be available only if and when the expenditure shall be recommended by the trustees of the institution appointed by the Governor of the State, and the expenditures shall be under the supervision of said trustees.

Old Age Assistance and Aid to Dependent Children.

SEC. 13. That appropriations made to the Board of Charities and Public Welfare for Old Age Assistance under Title VI-two-(2), and for Aid to Dependent Children under Title VI-two-(3) of Section one of this Act are declared to be for such sum which, added to the unexpended balances remaining in the appropriation for the said purposes for the biennium of one thousand nine hundred and forty-three - forty-five at the end of said biennium, shall be equal to the sum of one million and five hundred thousand dollars, for each year of the biennium, for Old Age Assistance, and five hundred and eighty thousand dollars, for each year of the biennium, for Aid to Dependent Children.

Teachers' and State Employees' Retirement System.

SEC. 14. That the Director of the Budget is authorized, empowered and directed to allocate out of the Highway and Public Works Fund, the Agriculture Fund, and other special operating funds employing personnel, the amount sufficient to meet the contributions necessary to be made in order to comply with

the Act creating the Teachers' and State Employees' Retirement System.

Industrial Commission.

SEC. 15. That receipts of the North Carolina Industrial Commission collected under Section one hundred, Subsection (j) of Chapter ninety-seven of the General Statutes of North Carolina originally credited as allotment deposits to the appropriation account of the North Carolina Industrial Commission, shall be collected as provided by law, but shall be deposited to the credit of the State Treasurer as General Fund revenue. In lieu of these receipts from the tax on self-insurer, which the Industrial Commission has expended, sufficient appropriation out of General Fund revenue to operate the commission shall be provided. It is the intent of the General Assembly to remove the uncertainty from the operations of the commission and to stabilize on a definite appropriation basis.

Industrial Commission and State Board of Health.

SEC. 16. Whereas the appropriations heretofore made to the Industrial Commission for carrying out the provisions of the Workmen's Compensation Act as pertaining to occupational disease work or industrial hygiene work has been transferred to the State Board of Health because of Federal grants of funds, and since the responsibility for this work remains in the Industrial Commission, the following requirements of the Board of Health—Industrial Hygiene Division are enacted:

That the Industrial Hygiene Division of the State Board of Health is required to carry out all the provisions of the Workmen's Compensation Act as to occupational disease work under the direction and supervision of the Industrial Commission. After all occupational disease work has been completed as may be required by the Industrial Commission, the Board of Health may use the services of the Industrial Hygiene Division for any other work as may be found to be expedient and necessary.

Tryon's Palace.

SEC. 17. That the appropriation to the Department of Conservation and Development under Section one, Title III-18-(3) of this Act for the purchase of Tryon's Palace at New Bern shall not be available for expenditure until such time as sufficient funds have been deposited by private agencies and/or persons, to the credit of the Department of Conservation and Development or some other commission or agency established by the Legislature for the purpose of handling the purchase and development of Tryon's Palace, in amounts sufficient to restore the palace to its original beauty and condition.

State Board of Health and tuberculosis program.

SEC. 18. That the appropriation to the State Board of Health under Section one, Title III-13-(1), for General Administration of the department, contains an appropriation for each year of the biennium one thousand nine hundred and forty-five - forty-seven to supervise the Federal tuberculosis program in this State; said appropriation shall not be available for expenditure

if Federal grants are not received to carry out the proposed tuberculosis program in this State.

SEC. 19. Deleted.

Employment Service.

SEC. 20. That the appropriations made for the Unemployment Compensation Commission under Section one, Title III-25 of this Act are to provide the amount required each year of the biennium by Federal law for the operation of the employment service and shall not be available for expenditure until the employment service is returned by the Federal Government to State control and operation.

Institute of Government.

SEC. 21. That the appropriations made for the University of North Carolina, Chapel Hill Division, under Section one, Title IV-1-(2) of this Act contain the sum of forty-four thousand dollars ($44,000.00) for the fiscal year one thousand nine hundred and forty-five - forty-six to liquidate in full the indebtedness of the Institute of Government which is a part of the university system. This money shall not be available for expenditure until title to all real estate and personal property of the Institute of Government is given to the University of North Carolina and the transfer is approved by the Attorney General.

Increase in salary instead of war bonus for teachers and State employees.

SEC. 22. That the appropriations under Sections one, two and three of this Act contain sufficient funds to increase the cost of salaries and wages for public school teachers and other State employees to replace the war bonus provided by the General Assembly of one thousand nine hundred and forty-three. It is the intention that the war bonus to public school teachers and other State employees shall cease at June thirtieth, one thousand nine hundred and forty-five, as such and that the increases provided in lieu of the bonus shall be part of the salary.

Purchase of Public School Buses.

SEC. 23. That appropriations made for the purchase of public school buses under Title IX-7 shall be permanent appropriations, not reverting to the General Fund at the end of the biennium one thousand nine hundred and forty-five - forty-seven. These appropriations shall be transferred to a reserve account at the end of each fiscal year of the biennium and shall be held, along with any other funds that may have or hereafter be appropriated for the purchase of public school buses, until such time as it is possible to replace the school buses which are rapidly being worn out. It is the intent to provide a reserve out of the normal appropriations for the replacement of the school buses.

SEC. 23½. That there is hereby provided an emergency salary not in excess of ten dollars ($10.00) per month to be paid to all fulltime public school teachers and employees and all other State employees. This emergency salary shall be paid at the end of each fiscal year of the biennium one thousand nine hun-

Emergency salary increase of $10.00 per month for teachers and other school employees and other State employees, payable at end of fiscal year if available in General Fund.

dred and forty-five - forty-seven provided that there are sufficient revenues in the General Fund, over and above the amounts necessary to provide for the regular appropriations for the maintenance and operation of the public schools, State departments, institutions, bureaus and agencies, after taking into consideration the estimated surplus at June thirtieth, one thousand nine hundred and forty-six, now deemed necessary to be carried over into the fiscal year one thousand nine hundred and forty-six - forty-seven to balance the budget for that year. *Provided further,* that this emergency salary shall be paid monthly during the fiscal year one thousand nine hundred and forty-five - forty-six if the unappropriated surplus in the General Fund at June thirtieth, one thousand nine hundred and forty-five, shall be sufficient to pay the full amount or any amount in multiples of two dollars and fifty cents ($2.50) and that any part of the emergency salary unpaid at June thirtieth, one thousand nine hundred and forty-six, shall then be paid if the unappropriated surplus is sufficient. If at June thirtieth, one thousand nine hundred and forty-six, there is any additional unappropriated surplus above the amount necessary to pay the full emergency salary for the fiscal year one thousand nine hundred and forty-five - forty-six, the emergency salary shall be paid monthly during the fiscal year one thousand nine hundred and forty-six - forty-seven in full or in multiples of two dollars and fifty cents ($2.50) and any part of the emergency salary unpaid for the fiscal year one thousand nine hundred and forty-six - forty-seven shall be paid at June thirtieth, one thousand nine hundred and forty-seven, if the unappropriated surplus at that time is sufficient.

Special provisions relating to said bonus.

Emergency bonus not subject to deductions for Retirement System.

These emergency salary payments shall not be subject to the provision of the State's Retirement System requiring deductions from payments to employees.

Public school teachers and other public school employees and teachers, and other employees of other educational institutions, paid by the State shall receive the same amount of emergency salary annually as other State employees in the same salary brackets, *provided further,* that a regular teacher or other State employee who works less than a full period shall receive only such proportionate part of said emergency salary as the period of service of such teacher or State employee is of the total period for which the emergency salary is provided.

Not applicable to certain employees.

This emergency salary shall not apply to operations performed solely for the Army, Navy or other organizations or operations solely for profit, except the cost be provided by the sponsors or out of increased receipts. Special funds operated out of Federal or private funds may secure the benefits of the emergency salary for their employees, *provided* funds are furnished by the sponsor.

Not applicable to part time employees or to persons, whose salaries exceed $3600.00.

This emergency salary shall not apply to persons employed on a parttime or temporary basis in departments, institutions, agencies, public schools, or to persons employed in institutional summer schools. The emergency salary shall not apply to salaries exceeding three thousand and six hundred dollars ($3,600.00) per year.

This emergency salary shall not be paid to the employees of any special operating fund if the revenues of the General Fund are insufficient to provide the emergency saalry for public school teachers and employees and other General Fund employees as provided in this section.

Relating to payments of emergency bonus.

The Director of the Budget is authorized and empowered to increase the appropriations for public schools, State departments, institutions, bureaus and agencies of the General Fund, if revenues are sufficient to meet the provisions of this section, by the amounts necessary to provide for payment of this emergency salary. He is also authorized and empowered to allocate out of the Agriculture Fund, the Highway Fund, and other special operating funds employing personnel, amounts sufficient to pay the emergency salary as provided in this section.

EFFECTIVE

Reenactment of certain statutes.

SEC. 24. That the provisions of the Executive Budget Act, Chapter one hundred and forty-three, Article I, General Statutes of North Carolina and the provisions of the Personnel Act, Chapter one hundred and forty-three, Article II, General Statutes of North Carolina, are reenacted and shall remain in full force and effect.

Director of Budget authorized to reduce appropriations, if necessary to prevent deficit.

The Director of the Budget shall reduce all appropriations provided for in this Act, when necessary to prevent a deficit for the fiscal period for which said appropriations are made; and, in so doing, he shall give preference to the charitable and eleemosynary institutions of the State.

Constitutionality.

SEC. 25. That if any section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of this Act as a whole or any part other than the part so decided to be unconstitutional or invalid.

SEC. 26. This Act shall be in full force and effect after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 102 **CHAPTER 280**

AN ACT TO AMEND CHAPTER EIGHTY-ONE OF THE ING AND SUPPLEMENTING REGULATORY PROVISIONS THEREIN WITH REGARD TO WEIGHTS AND MEASURES AND TO PROVIDE A STANDARD OF WEIGHT FOR FLOUR AND MEAL IN PACKAGES.

The General Assembly of North Carolina do enact:

Amending statutes relating to standards of weights and measures.

SECTION 1. Chapter eighty-one of the General Statutes of North Carolina is hereby amended as follows:

(1) Amend Section eighty-one - one by adding after the word "purchasers," the words "or sellers," and by adding after the words "standard of" in line three the words "weight and of."

(2) Insert a new section therein to be numbered Section eighty-one - two point one as follows:

Board of Agriculture authorized to establish standards of weights and measures for commodities having none.

The board of agriculture is authorized, directed and empowered to establish by order (after public notice as may be determined by it) standards of weights and measures on any commodity and in any instance where no standard has been established by the Congress of the United States, or by the laws of the State of North Carolina, *provided, however,* that when a standard is established by Congress, or by the laws of the State of North Carolina, such standard shall supersede the standard or standards established by the board of agriculture. *Provided* that this Act does not authorize the board of agriculture to establish a standard log rule measure.

(3) Insert a new section therein to be numbered Section eighty-one - fourteen point two as follows:

Relating to sales of certain commodities.

SEC. 81-14.2. Commodities to be sold by weight, measure or numerical count. It shall be unlawful to sell except for immediate consumption on the premises, liquid commodities in any other manner than by weight or liquid measures, or commodities not liquid in any other manner than by measure of length, by weight, or by numerical count. When a commodity is sold by numerical count in excess of one unit, the units which constitute said numerical count shall be uniform in size and/or weight, and be so exposed as to be readily observed by the purchaser: *Provided, however,* that nothing in this section shall be construed to prevent the sale of fruits, vegetables, and other dry commodities in standard containers defined by Acts of the United States Congress known as "Standard Container Acts," and the rules and regulations promulgated in accordance therewith; or of fruits or vegetables sold by the head, or bunch, or of any other commodity which is especially provided for by some other section of this chapter.

(4) Insert a new section therein to be numbered Section eighty-one - fourteen point three as follows:

SEC. 81-14.3. Unlawful for package to mislead purchaser. It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell, any commodity in package form when said package is so made, or formed, or filled, or wrapped, or exposed, or marked, or labeled as to mislead, or deceive the purchaser as to the quantity of its contents. Forbidding misleading wrapping or labeling.

(5) Insert a new section therein to be numbered Section eighty-one - fourteen point four as follows:

SEC. 81-14.4. Standard weight packages of flour, meal, grits and hominy. All flour and meal packed for sale, offered or exposed for sale, or sold in this State shall be in one of the following standard weight packages and no other, namely: five pounds, ten pounds, twenty-five pounds, fifty pounds, one hundred pounds, and multiples of one hundred pounds. *However*, non-standard weight packages may be packed for sale, offered or exposed for sale, or sold in this State, weighing three pounds or less, if said nonstandard weight packages shall be plainly and conspicuously marked showing net contents in aviordupois weight: *Provided*, that nothing in this section shall be construed to prevent the retail sale of any amount of flour or meal direct to the consumer from bulk, upon order and weight at time of delivery to the consumer. Fixing weights for packages of flour, meal, grits and hominy.

The term "flour" as said herein shall be construed to mean any finely ground product of wheat, or other grain, corn, peas, beans, seeds or other substance, with or without added ingredients, intended for use as food for man. Defining "flour."

The term "meal" as used herein shall be construed to mean any product of grain, corn, peas, beans, seed or other substance coursely ground, with or without added ingredients, either bolted, or unbolted, including grits and hominy, intended for use as food for man. Meal.

(6) Insert a new section therein to be numbered Section eighty-one - fourteen point five as follows:

SEC. 81-14.5. Weights and measures terms defined.

(a) Whenever the term "pound" is used in connection with weight, it shall be understood to be the avoirdupois pound as declared by Act of the United States Congress, except in those cases where it is common practice to use the "Troy" pound or "Apothecaries" pound, and the "ounce" is one-sixteenth part of an avoirdupois pound. Pound.

(b) The term "ton" shall be understood to mean a unit of two thousand (2000) pounds, avoirdupois weight. Ton.

Gallon.

(c) Whenever the term "gallon" is used in connection with liquid measure, it shall be understood to mean a unit of two hundred and thirty-one (231) cubic inches of which the liquid quart, liquid pint, and gill are respectively, the quarter, the one-eighth and the one-thirty-second parts.

Bushel.

(d) The term "bushel" when used in connection with dry measure and standard containers shall be understood to mean a unit of two thousand one hundred and fifty and forty-two one hundredth (2150.42) cubic inches, of which the dry quart and dry pint, respectively, are the one-thirty-second and one-sixty-fourth parts.

Barrel.

(e) The term "barrel" when used in connection with beer, ale, porter, and other similar fermented liquor, shall be understood to mean a unit of thirty-one liquid gallons, and fractional parts of a barrel shall be understood to mean like fractional parts of thirty-one gallons.

Defining "cord of wood" to be 128 cubit feet.

(f) Whenever wood is solicited, bought or sold in this State on the basis of ricked or stacked measurement, as is customarily the case in transactions involving such forest products as, for example, pulp wood and fuel wood, the unit of said measurement shall be the cord and no other; except that until June first, one thousand nine hundred and forty-six, same may be purchased on the basis of a unit of one hundred and sixty cubic feet or of the cord of one hundred and twenty-eight cubic feet. The term "cord" when used in connection with such purchases of wood, shall be understood to mean a quantity of wood consisting of any number of sticks, bolts or pieces laid parallel and together so as to form a rick or stack occupying a space four feet wide, four feet high and eight feet long, or such other dimensions that will, when multiplied together, equal one hundred and twenty-eight cubic feet by volume, construed as being seventy per cent solid and thirty per cent air space or ninety solid cubic feet.

(7) Amend Section eighty-one - fifteen by adding a new paragraph at the end thereof as follows:

Additional definitions.

The words "in package form," as used in this section, shall be construed to include a commodity in a package, carton, case, can, box, bundle, barrel, bottle phial, or other receptacle, on a spool or similar holder, in a container or band, or in a bolt or roll or in a ball, coil or skein or in coverings or wrappings of any kind, put up by the manufacturer, or when put up prior to the order of the commodity, by the vendor for either or both wholesale or retail whether sealed or unsealed, closed or open. The words "plainly and conspicuously marked" as used in this section shall be construed to mean, that the principal label shall indicate the net weight contents by legend as plain and conspicuous as any other legend thereon and as likely to be read as any

other legend, and shall not be obscured by crowding or by color or by other legend.

(8) Amend Section eighty-one - eighteen by inserting to immediately follow the semi-colon in line twenty-nine the following: or who shall use in retail trade, except in the preparation of packages put up in advance of sale, a weighing or measuring device which is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

SEC. 2. Section eighty-one - sixteen, eighty-one - twenty-one, eighty-one - twenty-four, Article VII of Chapter eighty-one and Article XX of Chapter one hundred and six of the General Statutes of North Carolina are hereby repealed.

SEC. 3. Amend by adding a new section to be numbered eighty-one fifteen point one as follows:

Relating to sales of pulp wood.

That upon delivery of pulp wood to a purchaser, from a seller in this State, the purchaser shall furnish the seller with a statement, showing the kind and amount of wood, the price paid, and the amount of wood refused, if any.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 130 CHAPTER 281

AN ACT TO PROVIDE THAT A PHARMACIST SHALL BE APPOINTED AS A MEMBER OF THE NORTH CAROLINA STATE BOARD OF HEALTH, AMENDING SECTION ONE HUNDRED AND THIRTY - ONE OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

State Board of Health must include one pharmacist, one dairyman and one food processor.

SECTION 1. That Section one hundred and thirty - one of Chapter one hundred and thirty of the General Statutes of North Carolina be, and the same hereby is, amended by adding at the end of said section, the following:

One of the members appointed by the Governor shall be a licensed pharmacist, one a reputable dairyman and one a food processor or server.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 176 CHAPTER 282

AN ACT TO PROVIDE FOR THE SUPERVISION OF LOAN AGENCIES OR BROKERS BY THE STATE BANKING COMMISSION.

The General Assembly of North Carolina do enact:

Loan agencies to be supervised by the Commissioner of Banks; and they shall contribute to expense of supervision.

SECTION 1. Loan agencies or brokers as defined in Section one hundred and five - eighty-eight, General Statutes of North Carolina, shall be under the supervision and control of the commissioner of banks. Such person, firms, or corporations (hereinafter referred to as "loan agencies or brokers") shall, for the purposes of defraying the necessary expenses of the commissioner of banks and his agents in supervising them, pay to the commissioner of banks the fees prescribed in Section fifty-three - one hundred and twenty-two of the General Statutes of North Carolina at the times therein specified.

State Banking Commission authorized to make rules and regulations.

SEC. 2. The State Banking Commission is hereby authorized, empowered and directed to make all rules and regulations deemed by the commission to be necessary or desirable in providing for the protection of the public and the efficient management of the loan agencies or brokers, including regulations as may be deemed necessary to prevent the renewal or making of new loans for the purpose of collecting additional fees on the same extension of credit, relating to the keeping of accurate and uniform books, records and accounts, and to give all necessary instructions with respect to such loaning agencies or brokers. And it shall be the duty of all such loaning agencies or brokers and their officers, agents and employees, to comply fully with all such rules, regulations and instructions, established and promulgated by the State Banking Commission.

Can not make charges in excess of those provided for industrial banks on installment loans.

SEC. 3. Such loan agencies or brokers shall be authorized to charge not in excess of the same fees and the interest that may lawfully be charged by industrial banks on installment loans. *Provided, however,* that such fees shall not be charged more frequently than once each sixty days on any loan or renewal thereof.

Violation shall be misdemeanor.

SEC. 4. Any person, firm or corporation violating any of the provisions of this Act shall, upon conviction, be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

SEC. 4½. Nothing in this Act shall be construed to apply to any person, firm or corporation engaged solely in the business of making loans of fifty dollars ($50.00) or more secured by motor vehicles.

Not applicable to those engaged solely in making loans of $50.00 or more on motor vehicles.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after the first day of June, nineteen hundred and forty-five.

Ratified this the 28th day of February, 1945.

H. B. 177 CHAPTER 283

AN ACT TO AMEND PARAGRAPH THREE OF SECTION FIFTY-THREE - ONE HUNDRED AND FORTY-ONE, GENERAL STATUTES OF NORTH CAROLINA, TO PROVIDE FOR MINIMUM FEES ON LOANS BY BANKS OF FIFTY DOLLARS ($50.00) OR LESS.

The General Assembly of North Carolina do enact:

SECTION 1. That Paragraph three of Section fifty-three - one hundred and forty-one, General Statutes of North Carolina, be and the same hereby is amended by striking out the following words: "To charge for a loan made pursuant to this section one dollar for each fifty dollars or a fraction thereof loaned, up to and including loans of two hundred and fifty dollars," and substituting in lieu thereof the following: To charge for loans made pursuant to this section a fee of two dollars and fifty cents on installment loans of fifty dollars or less and on loans in excess of fifty dollars, one dollar for each fifty dollars or fraction thereof loaned, up to and including two hundred and fifty dollars.

Amending statutes relating to charges on small loans.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 187 **CHAPTER 284**

AN ACT TO PROVIDE FOR THE ALTERATION OR DISSOLUTION OF CITY SCHOOL ADMINISTRATIVE UNITS COMPOSED OF TWO MUNICIPALITIES AND ABOLISHING EXISTING TAX LEVIES IN SUCH UNITS AND AUTHORIZING NEW LEVIES TO SUPPLEMENT THE SCHOOL STANDARD THEREIN.

The General Assembly of North Carolina do enact:

Relating to dissolution and formation of city school administrative units.

SECTION 1. The State Board of Education, upon the filing of a petition by any city administrative unit composed of two municipalities so requesting, may amend by enlarging, reducing, or dissolving any such city administrative unit and notwithstanding the population, create a new city administrative unit with boundaries coterminous with the boundaries of the township in which one of said municipalities is located and form a special school district containing the other municipality with boundaries coterminous with the township in which such municipality is situated.

Relating to special tax levies in dissolved or reduced units.

SEC. 2. Upon the altering by enlarging or reducing the boundaries of, or dissolving a city administrative unit as authorized in Section one hereof, any existing special tax levy authorized by Section one hundred and fifteen - three hundred and sixty-one of the General Statutes of North Carolina shall terminate at the end of the fiscal year in which the boundaries of said unit are reduced or enlarged or the district dissolved.

Relating to special tax levies.

SEC. 3. A special tax levy is hereby authorized in any city administrative unit and a special tax levy of not more than fifteen cents (15c) on the one hundred dollar ($100.00) valuation in a special school district created as herein authorized for the purpose of operating schools of a higher standard in such districts than provided by State support: *Provided*, that before making any levy for supplementing State allotments, an election shall be held in such administrative unit or district to determine whether there shall be levied a tax to provide supplemental funds for the operation of the schools in the district and to determine the maximum rate which may be levied therefor. Such election to be held under existing election laws and regulations applicable to special school levies authorized in Section one hundred and fifteen - three hundred and sixty-one of the General Statutes of North Carolina for such supplements.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 232 **CHAPTER 285**

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-THREE OF THE ACTS OF THE GENERAL ASSEMBLY OF ONE THOUSAND EIGHT HUNDRED AND NINETY-THREE AS AMENDED BY CHAPTER ONE HUNDRED AND EIGHTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE INCORPORATING THE "FARMERS MUTUAL FIRE INSURANCE ASSOCIATION OF NORTH CAROLINA" SO AS TO FIX THE LIMIT OF RISK.

The General Assembly of North Carolina do enact:

Amending statutes relating to Farmers Mutual Fire Insurance Association.

SECTION 1. That Section one of Chapter one hundred and eighty-seven of the Private Laws of one thousand nine hundred and twenty-one, amending Chapter three hundred and forty-three of the Acts of the General Assembly of one thousand eight hundred and ninety-three, be amended by striking out the word, "five" in line nine and inserting in lieu thereof, the word, "ten."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 256 **CHAPTER 286**

AN ACT AUTHORIZING THE BOARDS OF COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES TO CONTRACT FOR PHOTOGRAPHIC RECORDING OF INSTRUMENTS AND DOCUMENTS FILED FOR RECORD IN THE OFFICES OF THE REGISTER OF DEEDS, CLERK OF THE SUPERIOR COURT AND OTHER COUNTY OFFICES.

The General Assembly of North Carolina do enact:

Authorizing counties to contract for photographic recording of instruments and documents.

SECTION 1. That the board of county commissioners of any county in North Carolina is hereby authorized and empowered to contract for the photographic recording of any instruments or documents filed for record in the offices of the register of deeds, the clerk of the superior court and other county offices, and such recording shall constitute a sufficient recording, provided the original sizes of such instruments or documents are not reduced to less than two-thirds the original sizes; and *provided further* that no such contract shall be made for such photographic service, for a longer period than five years from the date of the commencement of such contracted service, except

that the contract may contain a provision for automatic extensions for additional five year periods in the absence of a sixty day written notice by either party to contract, giving sixty days or more before the expiration of any five year period, terminating the contract at the end of such period.

Original instruments and documents shall constitute temporary record.

SEC. 2. That the register of deeds of any county, where such photographic recording is contracted for, shall use the original instruments or documents as a temporary recording, and shall keep them in a temporary binder arranged in the chronological order of filing for record, assigning to each page a number which shall be arranged in a consecutive order, and shall, at all times, keep a temporary index thereto. That when the photographic copies are substituted for the originals, the photographic copies shall be set up in a permanent binder and in the same order as to time and page numbers, as in the temporary binder, and permanently indexed. That when the photographic copies are substituted for the originals, then the originals shall be returned to the persons entitled thereto, if known, but in no event, where return is to be made, no such return shall be delayed more than sixty days from the date of filing. That the same procedure shall apply to the temporary and permanent records of the several classes of instruments or documents, such as wills, judgments, reports, and corporate charters, in the office of the clerk of the superior court of any such county, from and after such contract for photographic recording becomes effective.

Originals must be returned to owners within 60 days.

Relating to preservation and use of film.

SEC. 3. That wherever the contract for such photographic recording is for the initial photographing on film, the board of county commissioners shall provide a fire resisting vault space or lease lockbox space in which to permanently keep such film, and to permit use of such film from which to make copies, under such regulations as such board may prescribe.

Originals can be taken from Courthouse for photographing, but must be returned within 10 hours.

SEC. 4. That the official of any such county so contracting for photographic recording, who is in charge of any instruments or documents left with such official for recording, may permit temporary removal of the originals from the courthouse or other building for photographing, provided such originals are returned to such building within ten hours; and provided such originals are not taken outside the county.

Same for public records.

SEC. 5. That the official of any county, who is in charge of any public records, may permit temporary removal of such records from the county courthouse or other building for the purpose of photographing a portion or all of such records, provided such records are returned within ten hours and provided such records are not taken outside the county.

Relating to photographic recording of public records.

SEC. 6. That the board of county commissioners of any county in North Carolina may also contract for the photographing on film of any county records, and, if such contract is made, such board of county commissioners shall provide a fire resisting vault space or lease lockbox space in which to keep such film, and shall have authority to permit copies to be made from such film, under such regulations as such board may prescribe.

No limitation on present powers of County Commissioners.

SEC. 7. That this Act shall not be construed as a limitation on the powers of the several boards of county commissioners; but shall be construed as an enabling act only and in addition to existing powers of such boards.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 263 CHAPTER 287

AN ACT TO AMEND SECTIONS ONE HUNDRED AND SIX - FORTY AND ONE HUNDRED AND SIX - FORTY-SEVEN OF THE GENERAL STATUTES RELATING TO THE NORTH CAROLINA FERTILIZER LAW OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and six - forty of the General Statutes of North Carolina is hereby repealed and there is substituted in lieu thereof the following:

Amending statutes relating to fertilizers.

106-40. Minimum Plant Food Content. No superphosphate, no fertilizer with a guarantee of two plant food ingredients, and no complete mixed fertilizer shall be sold or offered for sale for fertilizer purposes within this State which contains less than eighteen per cent of plant food (total nitrogen—available phosphoric acid—potash) except there may be one grade of tobacco plant bed fertilizer and one grade of regular tobacco fertilizer (3-8-5). This shall not apply to natural animal or vegetable products not mixed with other materials. Any regular tobacco fertilizer containing less than eighteen units of plant food (total nitrogen—available phosphoric acid—potash) shall be branded "low grade" and shall carry a red tag reading as follows:

This is a low grade fertilizer. It costs too much per unit of plant food. You are paying too much for bagging, freight, labor, et cetera, on too much inert material. It is not recommended by your experiment station.

SEC. 2. Section one hundred and six - forty-seven of the General Statutes is hereby repealed and there is substituted in lieu thereof the following:

Relating to adoption of grades of fertilizers.

106-47. Regulations. The Board of Agriculture by and with agreement of the Director of the North Carolina Experiment Station is empowered to adopt from time to time grades of mixed fertilizer which shall be sold in this State: *Provided,* the number of grades shall not be less than fifteen or in excess of twenty-five grades, and to issue rules, regulations, and set standards as may be necessary for the enforcement of this Act.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after October first, one thousand nine hundred and forty-five.

Ratified this the 28th day of February, 1945.

H. B. 285 CHAPTER 288

AN ACT TO AMEND CHAPTER NINETY-SIX, GENERAL STATUTES OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED AND FORTY-THREE, PERTAINING TO UNEMPLOYMENT COMPENSATION, TO THE END THAT THE FEES OF THE CLERKS OF THE SUPERIOR COURTS FOR DOCKETING CERTIFICATES OF UNPAID CONTRIBUTIONS SHALL BE UNIFORM.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter ninety-six, Article II, Section ten, Subsection (b), General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out in line thirty-three the period (.) after the word "court" and before the word "The," and inserting the following:

Uniform fee for docketing in Clerk's Office certificates of unpaid unemployment compensation contributions.

"; for docketing said certificate and indexing same as above set forth, the clerks of superior courts shall charge a fee of one dollar ($1.00), which shall be in lieu of any other fee chargeable under the General Statutes of North Carolina or any Public-Local or Private Act."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 28th day of February, 1945.

H. B. 305 CHAPTER 289

AN ACT TO AMEND THE MOTOR VEHICLE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, AS THE SAME IS CODIFIED IN SECTIONS TWENTY - THIRTY-EIGHT THROUGH TWENTY - ONE HUNDRED AND EIGHTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO TRANSFERS OF MOTOR VEHICLES IN CASES WHERE THE OWNERS OF SAME DIE INTESTATE LEAVING SURVIVING THEM MINOR OR MENTALLY INCOMPETENT CHILDREN FOR WHOM NO GUARDIAN HAS BEEN APPOINTED.

The General Assembly of North Carolina do enact:

Amending statutes, relating to transfers of certain motor vehicles.

SECTION 1. That Section twenty - seventy-seven, Subsection (b), of the General Statutes of North Carolina be amended by substituting a semicolon for the comma after the word "transfer" in the third line from the end of said subsection, and by inserting after the semicolon the following words: "*provided,* that if a decedent dies intestate leaving surviving a spouse and a minor child or children, or a spouse and a child or children mentally incompetent, whether of age or not, and no guardian has been appointed for said child or children, the surviving spouse shall be authorized to transfer the interest of the child or children in said motor vehicle, as provided in this subsection, to a purchaser thereof,".

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 324 CHAPTER 290

AN ACT AMENDING SECTION ONE HUNDRED AND TWENTY-SEVEN - ONE HUNDRED AND ELEVEN, SUBSECTION SIX AND SECTION NINE - NINETEEN OF THE GENERAL STATUTES OF NORTH CAROLINA TO EXEMPT MEMBERS OF THE NORTH CAROLINA STATE GUARD FROM SERVICE AS JURORS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and twenty-seven - one hundred and eleven, Subsection six, of the General Statutes of North Carolina be and the same is hereby amended by striking out in line five (5), the figures "9-19."

Exempting North Carolina State Guard from jury duty.

SEC. 2. That Section nine-nineteen of the General Statutes of North Carolina be and the same is hereby amended by adding in line sixteen (16), after the words "National Guard," the following: "North Carolina State Guard and members of the Civil Air Patrol."

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 358 CHAPTER 291

AN ACT TO REQUIRE THE REGISTER OF DEEDS OF HYDE COUNTY TO INDEX AND CROSS-INDEX AS GRANTORS IMMEDIATE PRIOR OWNERS OF LAND SOLD UNDER FORECLOSURE, EXECUTION OR BY ORDER OF COURT.

The General Assembly of North Carolina do enact:

In Hyde County, Register of Deeds must include in the index the names of immediate prior owners of lands, conveyed by trustees, commissioners and sheriffs.

SECTION 1. Whenever any deed or other instrument conveying real property by a trustee, commissioner, or other officer appointed by the court, or by the sheriff under execution, is filed with the register of deeds for the purpose of being recorded, it shall be the duty of the register of deeds to index and cross-index as grantors the names of all persons recited in said instrument to be the persons whose interest in such real estate is being conveyed or from whom the title of such real estate was acquired by the grantor in such instrument.

Fee of 10 cents allowed for such indexing.

SEC. 2. For indexing and cross-indexing as grantors the names of persons described in Section one, the register of deeds shall be allowed a fee of ten cents.

Hyde County only.

SEC. 3. This Act shall only apply to Hyde County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 359 CHAPTER 292

AN ACT TO AMEND SECTION THIRTY-SIX - THIRTY-TWO OF THE GENERAL STATUTES SO AS TO PERMIT BANKS TO HOLD BONDS AS WELL AS STOCK IN THE NAME OF A NOMINEE.

The General Assembly of North Carolina do enact:

Amending statutes, relating to holding bonds in name of a nominee.

SECTION 1. Section thirty-six - thirty-two of the General Statutes is hereby amended by adding after the word "stock" in lines one and two the words "or bonds"; by adding after the word "stock" in line four the words "or bonds"; by adding after the word "stock" in line seven the words "or bonds"; by adding after the word "stock" in line ten the words "or bonds"; and, by adding after the word "stock" in the last line of said section the words "or bonds."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 377 CHAPTER 293

AN ACT TO AMEND CHAPTER TWO HUNDRED NINETY-THREE OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED FORTY-ONE RELATING TO THE ESTABLISHMENT OF A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Amending statutes, relating to the pension fund for the retirement and disability of firemen in High Point.

SECTION 1. That Section one, Subsection (b), of Chapter two hundred and ninety-three of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and forty-one, be amended by striking out the period at the end of said subsection and inserting in lieu thereof a semi-colon, and by adding the following thereto: *Provided, however,* that in the event the City of High Point hereafter establishes a pension plan for any other department or departments of said city and makes contributions thereto, then and in such event the City of High Point shall make the same contribution in percentage or amount, whichever method is used in any said pension plan, per member of the fire department of said city as it makes per employee in any other department of said city in which a pension plan is established; *provided, further,* that the contribu-

tion made by said city to the High Point Firemen's Pension and Disability Fund on behalf of each employee of the fire department shall not exceed the amount deducted for said fund from each said employee's salary.

Same.

SEC. 2. That Section one, Subsection (c), of Chapter two hundred and ninety-three of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and forty-one, be amended by striking out the period at the end of said subsection and inserting in lieu thereof a semi-colon, and by adding thereto the following: and in the event the City of High Point contributes to said fund, then and in such event the city treasurer shall also pay over to said fund at such time or times as the city council may by ordinance direct, but at least once every three months, the amount of such contributions.

Same.

SEC. 3. That Section three of Chapter two hundred and ninety-three of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and forty-one, be amended by adding the following sentence at the end of said section: Any member of said department who has become eligible for retirement shall be entitled to retirement benefits at any time he voluntarily or involuntarily severs his employment as a full time paid member of said department.

Same.

SEC. 4. That Section four of Chapter two hundred and ninety-three of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and forty-one, as amended by Section one of Chapter five hundred and seventy-five of the one thousand nine hundred and forty-three Session Laws of North Carolina, be amended by striking out all that portion of said section subsequent to the semi-colon after the words "Pension Fund" in line eight thereof, and by adding the following thereto: *Provided, however,* that the following contingencies are hereby provided for upon the death of said retired member, or upon the death of a member of said department who is eligible for retirement, but who had not retired: (1) Should he predecease his wife, then upon his death she shall be paid monthly, until her remarriage or death, fifty per cent (50%) of the amount paid him, or which would have been paid him had he continued to live, or to which he became entitled by reason of his death before retirement; (2) Should she predecease him, or die or remarry before all his children shall reach the age of eighteen years, then, and in either such event, the amount she was receiving, or would have received had she survived him, shall be paid monthly to the duly appointed and acting guardian of such minor child or children until the youngest child shall reach the age of eighteen years; (3) (a) Should any such retired member, or member eligible for retirement, die, having never married, or (b) should he survive his wife, and subse-

quently die, leaving surviving him no child or children under eighteen years of age, or (c) upon the death or remarriage of his surviving widow and the attainment of eighteen years of age of all his children, then, or in either event, should his mother then be living, she shall be paid until her death or remarriage fifty per cent (50%) of the amount paid to said retired member had he continued to live, or fifty per cent (50%) of the amount to which a member eligible for retirement became entitled by reason of his death before retirement; *provided, however*, the board of examiners shall find at the time of his death he was the chief means of support of his mother; (4) Should he die leaving none of the above named beneficiaries, or should none of them qualify in accordance with the above requirements, then, and in either event, a sum not to exceed three hundred dollars ($300.00) shall be paid out of said pension fund for his burial expenses.

The retirement benefits of a member of said department who is eligible for retirement, but who dies before retirement, shall, for the purpose of paying the contingent beneficiaries hereinabove provided for, be a monthly amount equal to one twelfth (1/12) of three and one-half per cent (3½%) of the total salary that he received for his period of service, or the last twenty years thereof, whichever is the shorter, which sum shall be paid monthly to the person or persons entitled thereto by the custodian of said pension fund.

Same.

SEC. 5. That Section five of Chapter two hundred and ninety-three of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and forty-one, be amended by striking out the comma between the word "work" and the word "he" in line five thereof, and inserting after said word "work" the following: "as a fireman,".

Same.

SEC. 6. That Section six of Chapter two hundred and ninety-three of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and forty-one, as amended by Section two of Chapter five hundred and seventy-five of the one thousand nine hundred and forty-three Session Laws of North Carolina, be amended by striking out the comma after the word "work" and before the word "he," in line five of the amendment to said section, and inserting between said word "work" and the said word "he" in said line five of said amendment, the following: "as a fireman,".

SEC. 7. That Section ten of Chapter two hundred and ninety-three of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and forty-one, as amended by Section three of Chapter five hundred and seventy-five of the one thousand nine hundred and forty-three Session Laws of North Carolina, be amended by striking out all that portion of

said section subsequent to the word "section" in line eight thereof, and adding after said word "Section" the following: One hundred and fifty-nine, Subsection twenty-five (159-25), of the General Statutes of North Carolina of one thousand nine hundred and forty-three, as amended.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 380 CHAPTER 294

AN ACT TO REPEAL CHAPTER TWENTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE RELATING TO LIABILITY OF CLEVELAND COUNTY FOR COURT COSTS.

The General Assembly of North Carolina do enact:

Relating to liability for court costs in Cleveland County.

SECTION 1. That Chapter twenty-eight of the Public-Local Laws of one thousand nine hundred and thirty-three be and the same is hereby repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 384 CHAPTER 295

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATING TO THE CHARTER OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Amending charter of Elizabeth City.

SECTION 1. That Chapter one hundred and four of the Public-Local Laws of one thousand nine hundred and thirty-one is hereby amended by striking out the words "a warrant officer" in line five of Section five thereof and inserting in lieu thereof the words "one or more warrant officers" and by striking out the word "officer" in line eleven of said Section five and substituting therefor the word "officers."

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 393 **CHAPTER 296**

AN ACT TO AMEND SECTION TWO - THIRTY-SIX OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FEES FOR AUDITING ANNUAL AND FINAL ACCOUNTS BY THE CLERK OF THE SUPERIOR COURT OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section two - thirty-six of the General Statutes of North Carolina by striking out the word "Cabarrus" as the same appears in the second line of said section. Amending statutes, relating to fees of Clerk in auditing annual and final accounts in Cabarrus County.

SEC. 2. That the fees of the Clerk of the Superior Court of Cabarrus County for auditing annual and final accounts of receivers, executors, guardians, administrators, administrators with will annexed, trustees for incompetents, trustees under wills, collectors, and surviving partner, shall be the fees fixed by Section two - thirty-three, Section two - thirty-four and Section two - thirty-five of the General Statutes of North Carolina. Same.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 424 **CHAPTER 297**

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FIFTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED, FOR THE PURPOSE OF MAKING SAID CHAPTER APPLY TO ORANGE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter five hundred and fifty-nine, Public-Local Laws of one thousand nine hundred and thirty-five, as amended, be, and the same is hereby, further amended by adding Applying a certain 1935 Act to Orange County.

to Section eleven thereof, after the words "Pitt County," the words "and Orange County."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. B. 429 CHAPTER 298

AN ACT AUTHORIZING THE COUNTY OF FORSYTH TO PROVIDE A RETIREMENT PLAN FOR COUNTY EMPLOYEES.

The General Assembly of North Carolina do enact:

Authorizing Forsyth County to establish retirement plan for county employees.

SECTION 1. The Board of Commissioners for the County of Forsyth is hereby authorized and empowered in its discretion to create and establish a retirement and pension plan for the employees of Forsyth County. The retirement and pension plan may be established by the said board of commissioners upon the adoption of a resolution which among other things shall provide therein the effective date of the plan, the rules or conditions for participation therein and the basis of calculation of amounts of benefits which may become payable thereunder.

Forsyth County Employees Retirement Plan.

It shall be known as "The Forsyth County Employees Retirement Plan" and by such name all of its business shall be transacted, all of its funds invested and all of its cash, securities, and other property held.

County may make retirement plan compulsory for all employees specified.

SEC. 2. The resolution may provide that membership in the retirement plan shall be compulsory for such officers and employees of the County of Forsyth as shall be so designated in the resolution; that each employee who is a member of the retirement plan shall contribute to the retirement fund by payroll deduction a percentage of the compensation paid by Forsyth County for services rendered, the amount of said percentage deduction to be stated in the resolution; that the County of Forsyth may contribute and pay the additional costs of the plan, taking into account the actuarial cost of the benefits provided by the plan and such operational costs as may be necessary; that the County of Forsyth may contribute the entire cost of benefits based on any prior continuous service rendered to the county by any person employed by the county as of the date of adoption of said plan on such basis as may be designated by said resolution.

Contributions by county and by employees.

County authorized to appropriate funds for retirement plan; and levy special taxes, if necessary.

SEC. 3. Immediately upon the retirement plan being established and put into operation, the Board of Commissioners for the County of Forsyth may make the necessary appropriation for the cost of maintaining said plan on a sound and solvent actuarial basis, including such operational costs as may be necessary, and may thereafter and at such times as is necessary appropriate such sums of money as is adequate and necessary to keep the funds of said retirement plan on a sound and solvent actuarial basis based on the cost of the benefits as provided in the plan, and if necessary levy taxes therefor as a special and necessary purpose in addition to any tax allowed by any special statute for purposes enumerated in Chapter one hundred and fifty-three, Section nine, of the General Statutes of North Carolina, and in addition to the rates allowed by the Constitution, such appropriation and the levying of taxes if necessary for the purposes herein set forth are hereby declared to be for necessary expenses of Forsyth County and are, in all respects, authorized and approved.

Pension Committee—its creation, personnel and duties.

SEC. 4. The resolution may provide that the general administration and responsibility for the operation of the retirement plan and for making effective the provisions of same, including the payment of all benefits to participating employees and their beneficiaries be vested in a Pension Committee of the Forsyth County Employees Retirement Plan and may delegate to the pension committee such powers and duties as may be deemed necessary to carry out the intent and purpose for which said retirement plan is established. The pension committee shall consist of a representative or representatives of the participating employees of the county, a member or members appointed by the Board of Commissioners for Forsyth County, and one or more citizens of Forsyth County not officially connected with the Forsyth County government not entitled to participate in the benefits of the retirement plan. The County Accountant of Forsyth County may also be appointed by the board of commissioners as a member of the pension committee.

Trustee for retirement fund.

SEC. 5. The Board of Commissioners for the County of Forsyth may in said resolution provide for all assets of the retirement fund to be held in a trust forming a part of the retirement plan and may appoint a trustee and enter into an appropriate agreement with said trustee for the purpose of administering the assets of the retirement fund in accordance with the terms of the plan.

Power of County Commissioners to amend, suspend or revoke the retirement plan.

SEC. 6. The Board of Commissioners for Forsyth County may reserve the right to amend, suspend, or revoke the retirement plan and trust at any time, but any amendment, suspension or revocation shall not have the effect of diverting the trust funds to purposes other than for the exclusive benefit of the participating employees or their beneficiaries until all liability for ac-

crued benefits payable under the terms of the plan shall have been fully satisfied.

Benefits of members not subject to assignment, attachment, levy or sale.

SEC. 7. The retirement fund or other benefits mentioned in this Act shall not be assignable either in law or equity or be subject to execution, levy, sale, attachment, garnishment, or other legal processes, and shall be exempt from any state or municipal tax.

Commissioners authorized to contract for benefits or any portion of services to be rendered by insurance company or any other person.

SEC. 8. The Board of Commissioners of Forsyth County may provide for the payment of benefits as set forth in the plan by contracting with any insurance company, or may contract with any person, firm, or corporation for the performance of any service in connection with the establishment of said fund, or for the investment, care or administration of said fund, or for any other service relating thereto.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed and Forsyth County is specifically exempted from the provisions of Section one hundred and twenty-eight - thirty-seven of the General Statutes of North Carolina.

Applies only to Forsyth County.

SEC. 10. That this Act shall apply only to Forsyth County.

SEC. 11. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

S. B. 219 **CHAPTER 299**

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GUILFORD COUNTY TO COMPILE THE PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA RELATING TO GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Guilford County to have compiled the Public-Local and Private Laws relating to said County.

SECTION 1. That the Commissioners of Guilford County are hereby authorized and empowered to compile or have compiled the Public-Local and Private Laws of North Carolina relating to Guilford County which are now in force or which may hereafter be enacted.

Authorizing appropriation for said purpose.

SEC. 2. That the appropriation made by Guilford County to pay for the compilation of said laws is hereby in all respects validated.

Same.

SEC. 3. That such further appropriations from the current operating general expense fund as may be necessary to complete the compilations herein provided are hereby expressly authorized.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall become in full force and effect upon ratification.

Ratified this the 1st day of March, 1945.

H. B. 214 **CHAPTER 300**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY OF THE PUBLIC LAWS OF ONE THOUSAND, NINE HUNDRED AND FORTY-ONE RELATING TO AIRPORT ZONING REGULATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one (3) of Chapter two hundred and fifty of the Public Laws of one thousand nine hundred and forty-one, now Chapter sixty-three, Section sixty-three - twenty-nine (3) of the General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended to read as follows: Amending 1941 Act, relating to airports.

(3) "Political subdivision" means any municipality, city, town, county, or any municipal corporation, authority or commission created by the General Assembly of North Carolina for the purpose of owning, operating or regulating any airport or airports.

(4) The jurisdiction of each political subdivision is hereby extended to the promulgating, adopting, administering and enforcement of airport zoning regulations to protect the approaches of any airport or landing field which is owned by said political subdivision, although the area affected by the zoning regulations may be located outside the corporate limits of said political subdivision. In case of conflict with any airport zoning or other regulations promulgated by any political subdivision, the regulations adopted pursuant to this section shall prevail.

SEC. 2. That all laws or clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 249 **CHAPTER 301**

AN ACT TO AMEND SECTION ONE HUNDRED AND SIXTY - ONE HUNDRED AND SEVENTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA IN SO FAR AS IT AFFECTS THE ZONING REGULATIONS OF THE CITY OF ELIZABETH CITY IN PASQUOTANK COUNTY AND TO PERMIT THE ERECTION OF SHEDS, WAREHOUSES OR OTHER BUILDINGS OF WOOD OR FRAME CONSTRUCTION UPON THE PROPERTY OF THE NORFOLK-SOUTHERN RAILROAD COMPANY EAST OF PENNSYLVANIA AVENUE AND NORTH OF BURGESS STREET IN SAID CITY.

WHEREAS, the property of the Norfolk-Southern Railroad Company bounded on the West by Pennsylvania Avenue, on the South by Burgess Street, on the East by the Pasquotank River and on the North by Knobb's Creek, has been long used as freight depot, a switching yard and generally in the moving and shipping of freight, is separated from all other residences and business property by a wide street, at places seventy feet or more in width, is now partly covered by wood buildings used in the shipment of freight, the handling of produce and as warehouses, and all buildings in said area are now of wood construction, and said area adjoins the present city limits; and

WHEREAS, the government regulations which prevent the shipment of Irish potatoes in barrels requires additional sheds and warehouses for the grading and handling of said potatoes for shipment in bags, and said area is the only space available for the erection of such sheds and warehouses, the present regulations preventing which are throttling to some extent the economic life of Pasquotank County and are injurious to its farmers who must find a method and manner of sale and shipment of their potatoes and other farm products, and said section is now without adequate facilities for the shipment of potatoes and other farm products: *Now, therefore,*

The General Assembly of North Carolina do enact:

Permission to erect nonfireproof buildings on certain land in Elizabeth City.

SECTION 1. That the area of Elizabeth City East of Pennsylvania Avenue and North of Burgess Street, bounded on the East by the Pasquotank River and on the North by Knobb's Creek, be, and the same is hereby, removed from the effect of present zoning ordinances and regulations of Elizabeth City and the present regulations and ordinances relating to the fire district thereof, to the end that the Norfolk-Southern Railroad Company, the receivers thereof, their agents, servants, grantees, lessees, and assigns, shall have full rights and authority to erect upon the aforesaid area buildings, sheds, et cetera of frame or wood construction, or any other nonfireproof construction, *provided* that

no portion of said sheds or buildings shall be within twenty-five feet of the eastern edge of Pennsylvania Avenue.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws, city ordinances and city zoning regulations in conflict with this Act are hereby repealed to the extent of said conflict. This Act shall apply only to Elizabeth City, Pasquotank County. Chapter one hundred and sixty, and particularly one hundred and sixty - one hundred and seventy-three, of the General Statutes of North Carolina, one thousand nine hundred and forty-three, is hereby amended in accordance with this Act.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 329 CHAPTER 302

AN ACT TO AMEND THE CHARTER AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF HAMILTON IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Hamilton to continue as an incorporated town.

SECTION 1. The Town of Hamilton, Martin County, North Carolina, shall be and continue a body politic and corporate, under the name and style of the Town of Hamilton as provided by Chapter sixty-four of the Private Laws of one thousand eight hundred and eighty-seven, and under such name and style is hereby invested with all property and rights of property which now belong to the corporation, and by such name may acquire and hold for the purpose of the government, welfare and improvement of said town, all such property or estate as may be devised, bequeathed or conveyed to it, and shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to purchase and hold real and personal property.

SEC. 2. The corporate limits of said town shall be as follows:

Corporate limits.

Beginning at a stooping birch or willow at the upper corner of the town or public wharf and beside the river; thence running down the Roanoke River along the water's edge to a ravine or gully entering the river and at the point where the lands of Watson Sherrod and B. B. Taylor corner on the river; thence with the said Watson Sherrod and B. B. Taylor line South forty-three degrees no minutes West, six hundred and fifty feet to a cypress tree in the gully running from the school building; thence South twenty-seven degrees no minutes West, eighty-seven feet to large forked poplar standing on the edge of the

hill; thence in a straight line South one degree no minutes West to another poplar standing at the head of another gully and near the tenant house of Watson Sherrod; thence South seventy-seven degrees no minutes West along the field path and ditch, eight hundred and forty-four feet to a point just East of Highway Number one hundred and twenty-five, and where the line of telephone poles would intersect the ditch; thence North thirty-five degrees no minutes West, along the line of telephone poles and the old roadway, one thousand six hundred and thirty-three feet to a fence at the Northeast corner of W. C. House's field; thence South seventy-five degrees no minutes West along an old fence, three hundred and seventy feet to the corner of the fence; thence North thirty-one degrees fifteen minutes West along the fence to a stake on the ditch; thence along and with the ditch and branch to the culvert under Highway Number one hundred and twenty-five, it being on the road leading to Oak City, at a point one thousand feet from Front Street; thence in a northerly course along said branch and ditch, which runs just back of the cemetery, and continuing with said branch and ditch along its various courses to the road, said road being known as the River Road leading from Palmyra to Hamilton, at a culvert three hundred and eighty feet North of the northern line of the T. B. Slade property on Front Street; thence running from said culvert on said road North fifty-three degrees thirty minutes East in a straight line to a beech tree on the gully; thence down the run of said gully to a marked cypress tree at the Northwest corner of the town or public wharf property; thence North seventy-eight degrees thirty minutes East, two hundred feet to the point of beginning on the Roanoke River at the stooping birch or willow tree.

Present officers to serve out present term.

SEC. 3. The officers of the said town shall be as they are now; that is, a mayor and five commissioners. The present officers, who are Henry S. Johnson, Junior, mayor, and Henry S. Johnson, Senior, W. C. House, G. A. Ogslesby, D. G. Matthews and R. A. Edmondson, commissioners, shall hold office for and during the remainder of their term, and until their successors are elected and qualified.

Election on first Tuesday in May, 1945, and biennially thereafter.

SEC. 4. There shall be an election held for the Town of Hamilton, on the first Tuesday in May, one thousand nine hundred and forty-five, and biennially thereafter, for the purpose of electing a mayor and five commissioners and such other officers as shall be designated by the board of commissioners, who shall hold their respective office for a term of two years or until their successors are elected and qualified.

Town Commissioners to appoint election officials and supervise elections.

SEC. 5. The Board of Commissioners of the Town of Hamilton shall, at their regular meeting in March in the year one thousand nine hundred and forty-five, and biennially thereafter, appoint a registrar and two judges of election. The said registrar shall, after giving notice of his appointment by posting notices thereof in three or more public places in said town, register all persons who present themselves for registration. The right of such persons to register and vote shall be as provided under the general election laws of North Carolina. The mayor is hereby empowered to appoint a registrar or judge of election in case of a vacancy for any cause. The registration and poll books shall be supplied by and at the expense of the town, and, after the election, shall be returned to the board and filed for safekeeping. It shall be the duty of the registrar to open his books, and, with the judges, hold the election in accordance with the general laws of the State governing municipal elections. At the close of the polls on election day, the registrar and judges shall count the ballots, announce the results, and make return thereof to the mayor and commissioners. The said mayor and commissioners are hereby empowered and directed to canvass the returns not later than the following Monday night, and enter the results in the minutes of the journal of said town. The newly elected mayor and commissioners shall, after the returns have been canvassed by the retiring mayor and board of commissioners, meet in the mayor's office or town hall and be qualified by taking the oath prescribed by law before some justice of the peace or other officer qualified to administer oaths. At this meeting they shall elect one of their number chairman, who shall act as mayor pro tem in the absence of the mayor.

Duties and powers of Mayor.

SEC. 6. The mayor shall preside over all the meetings of the board of commissioners and shall have the same rights and powers and perform all the duties and exercise all the functions vested in the office under the general laws of North Carolina regulating the same. The mayor is hereby constituted an inferior court, and as such, within the corporate limits of the town, shall have all the powers, jurisdiction and authority of a justice of the peace in criminal actions, issue process, hear and determine all causes of action which may arise upon the ordinances, bylaws and regulations of the town, enforce penalties by issuing execution on any adjudged violation of the same, and to execute the bylaws, ordinances and regulations of the board of commissioners. The mayor shall have right to vote only in case of an equal division in the vote of the Board of Commissioners of the Town of Hamilton.

Duties and powers of Town Commissioners.

SEC. 7. A majority of the Commissioners of the Town of Hamilton shall constitute a quorum. The board of commissioners shall have entire supervision and control of all plans and programs, and supervision of the work, safety, health and welfare of the town. They shall make, pass and ordain, such by-laws, ordinances, rules and regulations as are expedient and necessary or proper to carry into effect the intent and meaning of this charter, provided they are not in conflict with the Constitution and laws of North Carolina. The board may appoint such officers as town clerk, treasurer, tax collector, and policemen, and fix their salary and bonds. The chief of police may act as tax collector. The board shall each year in January appoint a list taker who shall make a complete list of all the taxable property within the corporate limits of the town, and make returns to the board who shall have tax receipts made showing all taxes due the town. The town clerk may serve as tax lister.

Certain special powers of Commissioners.

SEC. 8. The board of commissioners may restrict and prohibit theaters, carnivals, shows, exhibitions or showmen, and the exhibitions of natural or artificial curiosities, caravans, musical and hypothetical exhibitions and performances. The board of commissioners may license and permit such shows as are permissible and other public amusements within the town. The board of commissioners may prevent and abate nuisances, whether on public or private property, at the expense of the owner or owners, and to regulate and prohibit the carrying on of any business which may be dangerous or detrimental to the safety, health and welfare of the citizens of the town. The board may license, prohibit or regulate pool rooms, billiard rooms, beer parlors and dance halls, and, in the interest of public morals, provide for the revocation of said license.

Streets, sewers, sidewalks.

SEC. 9. The Board of Commissioners of the Town of Hamilton shall have power to control, grade, change, cleanse, pave and repair the streets and sidewalks of the town and make such improvements thereon as the said board shall deem best; and may regulate, control, license, prohibit and prevent digging in the said streets or sidewalks, or the placing therein of pipes, poles, fixtures and appliances of every kind, whether on, above or below the surface thereof, and control the use thereof by persons, animals and vehicles; and to prevent, abate and remove obstructions, encroachments, polution and litter therein. The board may also extend, widen or close any street or sidewalk in the town, and it is further provided that the board of commissioners shall be clothed with full authority and empowered to provide for and administer all the functions of a municipal government in accordance with all the provisions of the Constitution and laws of North Carolina.

Power to levy and collect taxes.

SEC. 10. In order to raise sufficient funds to pay the current expense of the Town of Hamilton, the interest upon any outstanding debts, and to provide for a sinking fund for the payment of all such debts at maturity, and for the making of all such public improvements as the board of commissioners may from time to time decide necessary, and for carrying out the provisions of this Act, the board of commissioners may each year levy and collect, upon all the real and personal property within the corporate limits of the Town of Hamilton, an annual ad valorem tax not in excess of one dollar on each one hundred dollars of value of such property.

Privilege taxes.

SEC. 11. The board of commissioners may annually levy a tax on all trades, professions, franchises, occupations, businesses or amusements by whatever name called, which is carried on or enjoyed in whole or in part within the Town of Hamilton, unless otherwise prohibited by law; and may levy a tax on all shows and exhibitions for reward, and upon all other acts and things which may be the subject of any special or privilege tax in any other municipality in the State of North Carolina.

Poll taxes.

On all persons residing in said Town of Hamilton who are subject to poll tax under the laws of the State of North Carolina, a poll tax not to exceed one dollar each may be levied by the board of commissioners of the town.

Tax liens.

SEC. 12. The lien for taxes on any and all property shall attach to all real estate of the taxpayer in the town on the first day of April of each year and shall continue until all taxes, penalties and costs are paid.

Commissioners to appoint certain officers and fix their salaries.

SEC. 13. After qualifying by taking the oath of office, the board shall appoint or elect the following officers or assistants: town clerk, tax collector, treasurer and chief of police, who shall hold office during the administration of the said board. Any person so appointed or elected may be removed from such office by the board for cause. The salaries of such officers shall be fixed by the board.

Town Clerk.

SEC. 14. The town clerk shall act as secretary to the board, and shall issue all licenses and sign all orders in the name of the town for the payment of any money or funds. He shall perform such other duties as may be prescribed by the board.

Tax Collector.

SEC. 15. The collector shall collect and pay over to the treasurer all taxes levied or assessed by the board of commissioners, whether the same be property, poll or license tax, and said tax collector shall report monthly to the board of commissioners at their regular meeting all funds collected and all on hand, and produce and file with the board, or the clerk thereof, receipts

for all funds or moneys paid over to the treasurer, and his report shall show the source of all moneys coming into his hands.

Town Treasurer.

SEC. 16. The treasurer shall keep in custody all moneys, funds and securities belonging to the town, and disburse the funds according to such orders as may be duly drawn on him. He shall keep a true and correct account of all moneys received and disbursed by him, and he shall submit said account to the board of commissioners when he is required to do so. The board of commissioners may, in their discretion, elect or appoint as treasurer the Bank of Hamilton. If the bank is named treasurer of the town, all instruments of whatever nature, requiring the signature of the treasurer, shall be signed by the cashier of the bank.

Chief of Police and assistants.

SEC. 17. The chief of police shall see that the laws, ordinances and orders of the board of commissioners are enforced, and report all breaches thereof to the mayor. He shall preserve the peace of the town by suppressing disturbances and apprehending all offenders, and, for that purpose, to enforce the State law. The chief of police and all his assistants shall have all the powers and authority vested in sheriffs and county constables within the corporate limits of the Town of Hamilton.

Annual statement.

SEC. 18. The Board of Commissioners of the Town of Hamilton shall cause to be prepared annually, a statement of all moneys received and disbursed on account of the town and for what purpose the same were expended and from what source the same were derived, and the said statement shall be posted publicly at the post office door in the Town of Hamilton on or before the first day of May each year.

General powers.

SEC. 19. In addition to the powers and duties herein specifically mentioned, the Mayor and Board of Commissioners of the Town of Hamilton shall have all the authority and power, and be subject to all the duties, provided by the Constitution and laws of North Carolina for governing municipalities generally.

Constitutionality.

SEC. 20. If any section, clause, phrase, or part of this Act is held to be invalid, such invalidity shall not affect the remainder of this Act.

Conflicting laws repealed.

SEC. 21. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 22. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 368 **CHAPTER 303**

AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS, JUDGE OF THE RECORDER'S COURT AND PROSECUTING ATTORNEY OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Compensation of County Commissioners of Union County.

SECTION 1. That the Chairman of the Board of County Commissioners of Union County shall receive in lieu of all other compensation the sum of fifty dollars per month, and the other members of said board shall each receive a salary of twenty-five dollars per month, payable monthly from the general fund of said county.

Recorder and Prosecuting Attorney.

SEC. 2. That the Judge of the Recorder's Court of Union County and the prosecuting attorney therein shall each receive for his services a salary of one hundred and twenty-five dollars per month payable monthly.

Salaries effective July 1, 1945.

SEC. 3. The salaries herein fixed shall be effective as of July first one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provision of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 406 **CHAPTER 304**

AN ACT TO AMEND SECTION FIFTY-FIVE - ELEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA DEFINING PUBLIC PARKS AND DRIVES AS IT RELATES TO MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section fifty-five - eleven of the General Statutes of North Carolina be amended by adding at the end thereof, the following:

Defining public parks and drives in Mecklenburg County.

Provided, that the terms "public parks and drives" as used in this section, shall be construed so as to include playgrounds, recreational centers, and other recreational activities and facilities which may be provided and established under the sponsorship of any county, city, town, township, or school district in North Carolina and constructed or established with the assistance of the Government of the United States or any agency thereof.

SEC. 2. The provisions of this Act shall apply only to Mecklenburg County and the municipalities therein.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 438 CHAPTER 305

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIXTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, SO AS TO MAKE THE PROVISIONS THEREOF APPLICABLE TO THE COUNTIES OF ALAMANCE, ROCKINGHAM, SURRY, PERSON, WARREN AND VANCE.

The General Assembly of North Carolina do enact:

Amending certain 1933 Act.

SECTION 1. Section five of Chapter four hundred and sixty-seven of the Public Laws of one thousand nine hundred and thirty-three is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 444 CHAPTER 306

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRANVILLE COUNTY TO APPOINT A DEPUTY AUDITOR.

The General Assembly of North Carolina do enact:

Authorizing Commissioners of Granville County to appoint a deputy auditor.

SECTION 1. The Board of County Commissioners of Granville County is hereby authorized and empowered to appoint a deputy auditor of Granville County to serve at the will of the board, and the board shall fix such compensation as it deems proper and just for said deputy auditor.

Duties and powers of deputy auditor.

SEC. 2. Said deputy auditor is hereby authorized and fully empowered to exercise the same powers and perform the same acts as the auditor of the county is now or may hereafter be authorized to exercise and perform. Said deputy auditor shall be under the supervision and direction of the county auditor.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 445 **CHAPTER 307**

AN ACT AUTHORIZING THE APPOINTMENT OF A PAID DEPUTY SHERIFF OF GRANVILLE COUNTY AND PROVIDING FOR CERTAIN FEES FOR THE SHERIFF'S OFFICE.

The General Assembly of North Carolina do enact:

Authorizing Sheriff of Granville County to appoint a deputy.

SECTION 1. The Sheriff of Granville County is hereby authorized and empowered to appoint a full-time paid deputy sheriff who shall have the same powers and authority as other deputy sheriffs of the county and shall serve at the will of the sheriff.

Commissioners to fix salary.

SEC. 2. The board of county commissioners of the county is hereby authorized and empowered to fix the salary of such full-time deputy sheriff and the sheriff of the county shall not appoint a fulltime paid deputy sheriff until the board of county commissioners has fixed and provided for his salary. Any and all fees of every kind, including process fees, collected by such deputy sheriff shall be turned over to the county treasurer to go into the county general fund.

Fixing fee for summonsing jurors in said County.

SEC. 3. The sheriff and deputy sheriffs of the county are hereby authorized and directed to charge a fee of seventy-five cents (75c) for summons of jurors and witnesses in both criminal and civil cases.

Fees for capturing stills and for conviction of operators.

SEC. 4. The sheriff's office of the county shall be entitled to a fee of fifteen dollars ($15.00) for any illicit liquor still captured in the county and an additional fifteen dollars ($15.00) for any person arrested in connection with the operation of such still and convicted in the criminal courts of the county. Such fees to be made a part of the bill of costs assessed against the defendant, but if said fees are not paid by the defendant, the county shall pay the same to the sheriff's office.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 446 CHAPTER 308

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE TO AUTHORIZE THE BOARD OF COMMISSIONERS OF PASQUOTANK COUNTY, IN THEIR DISCRETION, TO FIX THE SALARY OF THE ASSISTANT OR DEPUTY CLERK AND THE ALLOWANCE FOR CLERICAL ASSISTANCE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two, Chapter two hundred and ninety of the Public-Local Laws of one thousand nine hundred and forty-three is hereby amended by striking out all of said section and inserting in lieu thereof the following:

Relating to personnel in office of Clerk of Superior Court of Pasquotank County.

That the assistant or deputy clerk shall be paid a salary of not to exceed two thousand dollars ($2,000.00) per annum, payable in equal monthly installments, said amount to be fixed by the board of county commissioners. In addition, said commissioners are authorized, in their discretion, to expend for clerical assistance for the clerk's office a sum not to exceed one thousand and five hundred dollars ($1,500.00) per annum.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 447 CHAPTER 309

AN ACT RELATING TO THE COMPENSATION OF REGISTRARS AND JUDGES OF ELECTION IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Compensation of registrars in Cumberland County.

SECTION 1. The registrars of voters in primary and general elections in Cumberland County shall receive ten dollars ($10.00) for coming in for the registration books and being sworn; and ten dollars ($10.00) for each Saturday during the period of registration that he attends the polling place for the purpose of registration; and shall receive ten dollars ($10.00) for challenge day; and shall receive ten dollars ($10.00) for election day; and ten dollars ($10.00) for bringing in the books and the returns and attending the canvassing of votes and declaring the results of the election; and in addition thereto shall receive one flat mileage fee of five dollars ($5.00).

The judges of election shall receive for their services, the sum of ten dollars ($10.00) for serving on any primary or election day; and ten dollars ($10.00) for any other day they are required to be present at the polling places or attend any meeting of the county board of elections.

Compensation of judges of election in said County.

SEC. 2. This Act shall apply only to Cumberland County.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 460 CHAPTER 310

AN ACT AMENDING CHAPTER TWO FORTY-THREE OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-NINE, BEING AN ACT TO ESTABLISH A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two forty-three of the Public-Local and Private Laws of one thousand nine hundred thirty-nine be amended by inserting two new sections known as Section one A and Section one B as follows:

SEC. 1 A. That for the purposes of this Act members of the Asheville Fire Department shall mean those men in the employ of the City of Asheville and assigned to the Fire Department of the City of Asheville under the classified service of said city, it being the purpose herein that only those employees who have been certified by the Civil Service Board of the City of Asheville shall receive benefits under this Act and no temporary or otherwise appointments.

Relating to Pension Fund and Fire Department in Asheville.

SEC. 1 B. That the pension board, as set out in Chapter two forty-three of the Public-Local and Private Laws of one thousand nine hundred thirty-nine, is hereby authorized and empowered to invest any surplus fund accumulated in what is known as the firemen's pension fund in United States Government bonds, State of North Carolina bonds, or certificates of deposit in banks operating within the State of North Carolina and covered under the Federal Insurance Act.

Investing said Fund.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 462 CHAPTER 311

AN ACT AMENDING CHAPTER TWO FORTY-TWO OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-NINE, BEING AN ACT TO ESTABLISH A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF POLICE OFFICERS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two forty-two of the Public-Local and Private Laws of one thousand nine hundred thirty-nine be amended by inserting two new sections known as Section one A and Section one B as follows:

Relating to Pension Fund and Police Department in Asheville.

SEC. 1 A. That for the purposes of this Act members of the Asheville Police Department shall mean those men in the employ of the City of Asheville and assigned to the Police Department of the City of Asheville under the classified service of said city, it being the purpose herein that only those employees who have been certified by the Civil Service Board of the City of Asheville shall receive benefits under this Act and no temporary or otherwise appointments.

Investing said Fund.

SEC. 1. B. That the pension board, as set out in Chapter two forty-two of the Public-Local and Private Laws of one thousand nine hundred thirty-nine, is hereby authorized and empowered to invest any surplus fund accumulated in what is known as the policemen's pension fund in United States Government bonds, State of North Carolina bonds, or certificates of deposit in banks operating within the State of North Carolina, and covered under the Federal Insurance Act.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 467 CHAPTER 312

AN ACT TO AMEND SECTION TWO - TWENTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE FEES FOR REGISTERED FEDERAL COURT LIENS AND FEDERAL CHATTEL MORTGAGES IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Relating to fees for registering Federal Court liens and Federal chattel mortgages in Camden County.

SECTION 1. That Section two - twenty-eight of the General Statutes of North Carolina is hereby amended by inserting the word "Camden" before the word "Caswell" and after the word "Brunswick" in line nineteen. It is the intent and purpose of

this Act to exempt Camden County from the operation of Section two - twenty-eight of the General Statutes.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 485 CHAPTER 313

AN ACT TO FIX THE SALARY OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That as compensation for their services on the Board of County Commissioners of Camden County, the members thereof shall receive the sum of seven dollars and fifty cents ($7.50) per diem for each day spent in the discharge of their official duties, and in addition thereto such members shall receive travel allowance at the rate of five cents (5c) per mile while traveling on official business of the board from their respective homes to the place of meeting of the board and return, said distance to be computed by the usual route of public travel. Compensation of Commissioners of Camden County.

SEC. 2. That this Act shall apply only to Camden County.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 486 CHAPTER 314

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN OF THE BOARD OF EDUCATION OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Chairman of the Board of Education of Camden County shall be paid, in addition to any compensation otherwise received by him by reason of his membership on said board, an annual salary of one hundred ($100.00) payable semi-annually, beginning as of March first, one thousand nine hundred and forty-five. Compensation of Chairman of Board of Education of Camden County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 505 CHAPTER 315

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTY-THREE - THIRTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one hundred and fifty-three - thirteen of the General Statutes of North Carolina by adding a proviso at the end of said section, which said proviso shall read as follows:

Compensation of Commissioners of Cumberland County.

Provided, that each member of the Board of County Commissioners of Cumberland County shall receive for his services and expenses in attending the regular and special meetings of the board not exceeding ten dollars ($10.00) per day, as a majority of the board may fix upon, and each member of said board of county commissioners shall be allowed mileage to and from the respective places of meeting of said board at the rate of five cents (5c) per mile.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

H. B. 506 CHAPTER 316

AN ACT TO AMEND SECTION NINE - FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE FEES OF JURORS IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section nine - five of the General Statutes of North Carolina by adding at the end of said section a proviso which shall read as follows:

Provided, that all jurors and grand jurors of Cumberland County shall receive five dollars ($5.00) per day each, and mileage at the rate of five cents (5c) per mile while going to the county seat or place of service and returning home; and said jurors and grand jurors shall be paid in the same form as has been the custom by the proper officials of Cumberland County.

Compensation of jurors and grand jurors in Cumberland County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1945.

S. B. 153 CHAPTER 317

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CLEVELAND TO FURNISH CLERICAL ASSISTANCE TO EX-SERVICE MEN AND WOMEN OF THE ARMED FORCES OF THE UNITED STATES IN RELATION TO BENEFITS PROVIDED FOR THEM BY THE FEDERAL GOVERNMENT AND THE STATE OF NORTH CAROLINA AND TO EMPLOY A SERVICE OFFICER THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners for the County of Cleveland is hereby authorized and empowered, in their discretion, to employ, for full or part time, a service officer and necessary clerical assistants whose duties shall be to assist ex-service men and women who have served in the Armed Forces of the United States and/or the families and dependents of deceased ex-service men and women in making applications to obtain the benefits provided for them by the Federal Government and/or the State of North Carolina, and to advise with them as to their rights and privileges in relation thereto; and who shall have and keep on hand blank applications and necessary forms designed to aid applicants for such benefits, and to fill out and prepare such applications and supervise and instruct as to the execution thereof, and to do the necessary and needed correspondence concerning such benefits. And the Board of Commissioners for the County of Cleveland shall fix the compensation for such service officer and any assistant to be employed to be paid by the county treasurer from the general funds of the county and may provide office space and necessary office furniture and equipment for such purpose. The service officer employed as herein authorized shall have the power and authority to administer oaths and take acknowledgments as to all persons entitled to benefits under the laws herein referred to, to the same

Authorizing Commissioners of Cleveland County to employ Veterans Service Officer.

extent that the same might be taken by a notary public, and the certificate of such service officer shall have the same force and effect as a certificate of a notary public.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

S. B. 155 CHAPTER 318

AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO PROVIDE LAND AND BUILDINGS FOR A VETERANS' RECREATION AUTHORITY TO BE ORGANIZED THEREIN.

The General Assembly of North Carolina do enact:

Authorizing Charlotte to provide certain property for Veterans Recreation Authority.

SECTION 1. That if a veterans' recreation authority is organized in the City of Charlotte during the fiscal year ended June thirtieth, one thousand nine hundred and forty-five, the council is authorized to purchase and convey, or cause to be conveyed to such authority, land and buildings for its use notwithstanding the fact that the expenditure required for such purchase may not have been included in the appropriation resolution for said fiscal year.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

S. B. 177 CHAPTER 319

AN ACT TO AUTHORIZE THE CITY OF STATESVILLE TO CONVEY REAL PROPERTY OWNED BY IT TO BE USED AS A MEMORIAL PARK OR CIVIC CENTER IN HONOR OF THE VETERANS OF THE WORLD WARS.

The General Assembly of North Carolina do enact:

Authorizing Statesville to convey certain property for use as a memorial park or civic center as memorial to veterans.

SECTION 1. The Board of Aldermen of the City of Statesville is hereby authorized and empowered to donate and convey any real property owned by the city not being used for a public purpose, to one sponsoring nonprofit organization to be used as a site for a memorial park for the purpose of beautifying the City of Statesville, or for establishing thereon a civic center, in honor

of the veterans of the world wars. Said property to be held by such organization for the purposes enumerated, upon such terms and conditions as may be prescribed by the governing body of the city.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

S. B. 204 **CHAPTER 320**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROCKINGHAM COUNTY TO EMPLOY A SERVICE OFFICER TO AID ACTIVE AND DISCHARGED MEMBERS OF THE UNITED STATES ARMED SERVICES AND THE MEMBERS OF THEIR FAMILIES IN PRESENTING CLAIMS FOR BENEFITS.

The General Assembly of North Carolina do enact:

Authorizing Rockingham County to employ a Veterans Service Officer.

SECTION 1. The Board of County Commissioners of Rockingham County is hereby authorized and empowered to employ a service officer and pay him such salary as the board may consider just and fair and to furnish him the necessary office space, assistants, supplies, and equipment to enable him to efficiently perform the duties of his employment.

Duties and powers of said Officer.

SEC. 2. The County Commissioners of Rockingham County are hereby authorized and empowered to make and promulgate all rules and regulations governing the duties of said service officer and assistants and the operation of the office herein provided for as they may deem necessary to cooperate with the State and Federal governments in all matters relating to benefits for active and discharged members of the United States Armed Services and their families.

SEC. 3. The service officer herein authorized shall perform such duties as may be outlined by the board of county commissioners as will assist active and discharged members of the United States Armed Services and members of their families in presenting their rights and claims to the several Federal and State agencies set up for the purpose of administering benefits to such active and discharged members of the United States Armed Services and their families.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

S. B. 207 CHAPTER 321

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF AQUADALE TO VOTE ON THE QUESTION OF THE REPEAL OF THE CHARTER OF SAID TOWN.

The General Assembly of North Carolina do enact:

Special election in Aquadale.

SECTION 1. That on the second Tuesday in May, being May eighth, one thousand nine hundred and forty-five, an election shall be held in the town of Aquadale, Stanly County, to determine whether or not the corporate existence of said town shall be continued or whether it shall be terminated. The said election shall be held by the board of commissioners or other governing authorities of said town, in the manner provided by law for holding municipal elections. Those favoring the continuance of the corporate existence of said town shall vote ballots on which shall be written or printed "FOR INCORPORATION"; and those opposed to continuing the corporate existence of said town shall vote ballots on which shall be written or printed "AGAINST INCORPORATION." If a majority of the qualified voters of said town voting in said election shall vote "FOR INCORPORATION," the corporate existence of said town shall continue as now provided for by Chapter two hundred and twenty-seven of the Session Laws of one thousand nine hundred and forty-three; but if a majority of said qualified voters voting in said election shall vote "AGAINST INCORPORATION," the corporate existence of said town shall be terminated on the first day of July, one thousand nine hundred and forty-five.

If majority vote to terminate municipal corporation, town officers will conclude affairs.

SEC. 2. That in the event a majority of those voting signify their desire to have the corporate existence of said town terminated as herein before *provided*, the present mayor and governing body of said town shall make every effort to liquidate all the affairs of said town on or before the first day of July, one thousand nine hundred and forty-five, and no taxes shall be levied thereafter for the continuance of the corporate existence of said town. In the event the governing body of said town is unable to liquidate all of the affairs of said town on or before the first day of July, one thousand nine hundred and forty-five, the said governing body is hereby continued in office until the affairs of said town are fully and completely liquidated with full power and authority to do and perform any and all things necessary to affect the complete liquidation of said town.

If special election be not held, corporate existence to terminate on July 1, 1945.

SEC. 3. That in the event, said election shall not be held as herein provided for, the corporate existence of said town shall terminate on the first day of July, one thousand nine hundred and forty-five, and Chapter two hundred and twenty-seven of the Session Laws of one thousand nine hundred and forty-three shall be repealed.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

S. B. 210 CHAPTER 322

AN ACT TO AUTHORIZE THE CITY OF STATESVILLE OR THE COUNTY OF IREDELL, OR THE CITY OF STATESVILLE AND THE COUNTY OF IREDELL TO ACQUIRE AND DONATE TO THE UNITED STATES GOVERNMENT A SITE IN IREDELL COUNTY FOR A VETERANS HOSPITAL.

The General Assembly of North Carolina do enact:

Iredell County and Statesville authorized to acquire site for a government hospital and convey same to U. S.

SECTION 1. That the Board of Aldermen of the City of Statesville and/or the Board of County Commissioners of the County of Iredell jointly or separately hereby are fully authorized and empowered to acquire by purchase or by condemnation as hereinafter provided, or in any other manner, a site acceptable to the United States of America as a place on which to locate a government hospital. Such site to contain such acreage and be in such location as to meet Federal requirements, and when so acquired to convey the same in fee simple to the United States of America or such of its agencies as it may designate at private sale and without any consideration except the public benefit to the City of Statesville or the County of Iredell upon the acceptance of the same for the said purpose.

Authorizing Iredell County and Statesville to pay for said property.

SEC. 2. The City of Statesville or the County of Iredell is hereby authorized and fully empowered to make provisions for the payment of purchase price for said property by setting up and making available special appropriations therefor from any funds which may be available for such purpose and unappropriated or not committed for other purposes.

Condemnation proceedings, if necessary.

SEC. 3. That in the event said city or said county is unable to agree with the owners of the property to be acquired, as to the purchase price of the same, the said city or the said county or both of them are hereby fully authorized and empowered to acquire such property by condemnation in the manner provided

by the public works eminent domain law as set forth in Article thirty, Chapter forty of the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

S. B. 214 CHAPTER 323

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-FOUR, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, ENTITLED "AN ACT TO CREATE AN EMERGENCY RESERVE FUND FOR PERSONS ENGAGED IN THE ENFORCEMENT OF THE CRIMINAL LAWS IN THE CITY OF GREENSBORO."

The General Assembly of North Carolina do enact:

Amending certain 1929 Act relating to Greensboro.

SECTION 1. That Chapter one hundred and sixty-four, Private Laws, one thousand nine hundred and twenty-nine, be and the same is hereby amended by striking out Section two of said chapter and substituting in lieu thereof the following:

SEC. 2. Officers within the meaning of this Act shall include all arresting officers within the City of Greensboro who are employed by and receive compensation from City of Greensboro and who make arrest under criminal process of the Greensboro Municipal County Court of the City of Greensboro.

SEC. 2. That Section three of Chapter one hundred and sixty-four, Private Laws, one thousand nine hundred and twenty-nine, is hereby amended by striking out said Section three and substituting in lieu thereof the following:

Emergency Fund Board of Greensboro.

SEC. 3. The Mayor of the City of Greensboro, the City Manager of the City of Greensboro, the Chief of Police of the City of Greensboro, to be called by the chief of police for that purpose during the month of April of each year, are hereby created a board to administer the provisions of this Act; and said board shall elect its own chairman and also appoint an officer of the board, who may but need not be a member of the board, to be known as "Commissioner of the Emergency Fund of the City of Greensboro," who shall act as secretary to the board and treasurer of the fund and shall act under the instructions of the board in all matters pertaining to the administration on this Act.

SEC. 3. That Section four of Chapter one hundred and sixty-four, Private Laws, one thousand nine hundred and twenty-nine, be and the same is hereby amended by striking out the words "to act as Treasurer under this Act to receive," appearing between the word "Greensboro" in line seven and the word "the" in line eight of said Section four, and substituting in lieu thereof the following words: "As depository of"; that said Section four be further amended by adding the following at the end of said Section four: The board may invest funds received under this Act in any securities authorized by statute for the investment of sinking funds.

SEC. 4. That Section six of said Chapter one hundred and sixty-four, Private Laws, one thousand nine hundred and twenty-nine, be and the same is hereby amended by striking out the words "while in the actual performance of his duties," appearing between the word "officer" in line five and the word "shall" in line six, and by substituting the word "may" for the word "shall" appearing at the beginning of line seven; that said Section six be further amended by striking out the words "resulting while in the actual performance of his duties" appearing in line fifteen, and by striking out the words "resulting while in the actual performance of official duties under this act" appearing in line twenty-four and the first two words in line twenty-five.

SEC. 5. That Section seven of said Chapter one hundred and sixty-four, Private Laws, one thousand nine hundred and twenty-nine, be and the same is hereby amended by striking that portion of said section appearing after the semicolon in line thirteen and substituting in lieu thereof the following:

Certain regulations relating to pensions.

And all officers pensioned in accordance with the provisions of this section shall receive a minimum pension of fifty ($50.00) dollars per month, except that the total amount paid to pensioned officers, disabled officers, and widows and dependents of disabled officers shall not exceed eighty per cent of the income received during the preceding fiscal year from interest on investment of capital funds on hand, plus the amount derived from fees collected as provided in Section five of this Act; and in the event that eighty per cent of the income above mentioned is insufficient to pay such minimum of fifty ($50.00) dollars per month to each person pensioned, after payments to disabled officers and widows and dependents of deceased officers, the remainder shall be equally prorated among the officers pensioned. Each officer pensioned in accordance with this section shall receive the same amount of pension per month. All amounts received for the reserve fund herein provided, except eighty per cent of the interest and fees above mentioned to be used for the payment of pensions to officers, and payments to disabled officers and widows and dependents of deceased officers, together

with any part of said eighty per cent which is not paid out during the next fiscal year, shall become a part of the capital of the reserve fund. The fiscal year as used herein shall begin on the first day of July, one thousand nine hundred and forty-five, and the first day of July in each year thereafter.

Applies only to Guilford County.

SEC. 6. That this Act shall apply only to the County of Guilford.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

S. B. 220 CHAPTER 324

AN ACT AMENDING SECTION ONE HUNDRED AND FIVE - FOUR HUNDRED AND THREE OF THE GENERAL STATUTES OF NORTH CAROLINA AUTHORIZING THE COMMISSIONERS OF GUILFORD COUNTY TO REMIT PENALTIES ON TAXES THE LIEN OF WHICH IS MORE THAN TEN YEARS OLD.

The General Assembly of North Carolina do enact:

Authorizing remission of penalties on taxes in Guilford County delinquent 10 years.

SECTION 1. That Section one hundred and five - four hundred and three of the General Statutes of North Carolina be amended by adding at the end of said section the following: *Provided* that in Guilford County, the board of county commissioners, or the governing body of any municipality in said county shall have power and authority in its discretion to release, discharge, remit, or commute the penalty, or any portion thereof, on delinquent taxes which have been due to said county or said municipality ten years or more; *provided further* that the failure to collect said tax shall have been caused in whole or in part by the error, negligence or lack of diligence on the part of the tax collecting agencies of said county or municipality, and that this fact be made to appear to the county commissioners, or the governing body of the municipality affected by a certificate of the tax supervisor, tax collector, or other officers charged with the duty of collecting said tax.

Requires adoption of resolution.

SEC. 2. When the board of county commissioners, or the governing body of any municipality in Guilford County desires to release, discharge, remit, or commute the penalty on any tax, it shall adopt a resolution setting forth in each case the action taken and the reason therefor; which resolution must be spread upon the minutes of the board or other governing body.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall become in full force and effect on July first, one thousand nine hundred and forty-five.

Ratified this the 3rd day of March, 1945.

S. B. 221 CHAPTER 325

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE CHARTER OF THE CITY OF WINSTON-SALEM, SO AS TO INCREASE THE TAX RATE FOR GENERAL PURPOSES.

The General Assembly of North Carolina do enact:

Authorizing certain increase in tax rates in Winston-Salem.

SECTION 1. Section twenty-six of Chapter two hundred and thirty-two of the Private Laws of one thousand nine hundred and twenty-seven is hereby amended by inserting to immediately follow the word "dollar" in line seven, the words "and twenty-five cents."

SEC. 2. Section one hundred and sixty - four hundred and two of the General Statutes, in so far as the same is applicable to the City of Winston-Salem in Forsyth County, is hereby repealed.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 29 CHAPTER 326

AN ACT TO AMEND SECTION FORTY-FOUR - ONE OF THE GENERAL STATUTES, THE LABORERS LIEN LAW, PROVIDING FOR A LIEN FOR LANDSCAPING.

The General Assembly of North Carolina do enact:

Authorizing laborers lien for landscaping.

SECTION 1. That Section forty-four - one of Chapter forty-four of the General Statutes of North Carolina be, and the same hereby is, amended by adding at the end of said section the following:

The lien herein provided shall be applicable to any land for the payment of all debts contracted for work done on same in sodding, seeding or planting thereon any shrubs, plants, or nursery products of any kind or description, and in landscaping the same.

Applies only to Buncombe and Randolph Counties.

SEC. 1½. The provisions of this Act shall apply only to the Counties of Buncombe and Randolph.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 145 CHAPTER 327

AN ACT RELATING TO THE ANNUAL MEMBERSHIP FEE IN THE STATE ASSOCIATION OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and fifty-three - thirty-eight of the General Statutes of North Carolina be, and the same hereby is, amended by rewriting said section so as to read as follows:

Relating to membership fee in State Association of County Commissioners.

SEC. 153-38. Dues and expenses of members. There shall be assessed against each county an annual membership fee of five dollars, which shall be paid by the county treasurer upon the order of the board of county commissioners, but the executive committee of the association may increase the annual membership fee to a sum not to exceed twenty-five dollars in counties having a population of forty thousand or over according to the last census; twenty dollars in counties having a population between thirty thousand and forty thousand according to said census, fifteen dollars in counties having a population between twenty thousand and thirty thousand according to the said census, and ten dollars in counties having a population less than twenty thousand according to said census. The various boards of commissioners are authorized to pay out of the county treasury the expenses of its members attending the meetings of the association.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 204 **CHAPTER 328**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, AFFORDING RELIEF IN RESPECT TO THE SPECIAL ROAD BONDED INDEBTEDNESS OF CERTAIN TOWNSHIPS OF MADISON COUNTY BY INCREASING THE GENERAL COUNTY LEVY.

The General Assembly of North Carolina do enact:

Relating to certain tax rates in Madison County.

SECTION 1. That Chapter two hundred and eighty-two of the Public-Local Laws of one thousand nine hundred and thirty-three be, and the same is hereby, amended by striking out the words, "five cents," in line three of Section one thereof and inserting in lieu thereof the words, "ten cents."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 209 **CHAPTER 329**

AN ACT TO AMEND CHAPTER SIXTY-EIGHT, SECTION SIXTY-EIGHT - THIRTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA BY ADDING THERETO THE COUNTY OF CUMBERLAND, DECLARING IT UNLAWFUL TO PERMIT DEPREDATIONS OF DOMESTIC FOWLS.

The General Assembly of North Carolina do enact:

Extending certain statutes to Chatham, Craven and Cumberland Counties.

SECTION 1. That Chapter sixty-eight, Section sixty-eight - thirty-eight of the General Statutes of North Carolina be, and the same is, hereby amended by adding thereto the words, "Cumberland, Chatham and Craven."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 280 CHAPTER 330

AN ACT RELATING TO THE SPECIAL DEPUTY SHERIFF AND TAX COLLECTOR FOR CRAWFORD TOWNSHIP IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section six of Chapter eight of the Session Laws of one thousand nine hundred and forty-three is hereby amended by adding at the end of said section, the following:

Relating to certain officials in Currituck County.

In the event of a vacancy in said office, the same shall be filled by the deputy sheriff and tax collector for Moyock Township whose salary shall be increased from one thousand dollars ($1,000.00) per year to one hundred dollars ($100.00) per month for the additional duties imposed upon him by this Act.

SEC. 1½. *Provided* that the deputy sheriff and tax collector for Moyock Township may refuse to accept the additional duties as outlined in Section one of this Act and that the said deputy sheriff and tax collector will continue to serve as deputy sheriff and tax collector in Moyock Township, at the salary of one thousand dollars per year.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 293 CHAPTER 331

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF JONES COUNTY TO LEVY A SPECIAL TAX FOR THE COUNTY ACCOUNTANT, COUNTY FARM AGENT, COUNTY ATTORNEY, AND FOR SPECIAL TERMS OF COURT.

The General Assembly of North Carolina do enact:

Authorizing levy of special tax in Jones County for County Accountant.

SECTION 1. The Board of County Commissioners of Jones County is hereby authorized and empowered to levy a special tax of five cents (5c) on the one hundred dollars ($100.00) valuation of property for the purpose of paying the salary of and expense of the office of the county accountant.

For County Farm Agent and Home Demonstration Agent.

SEC. 2. The Board of County Commissioners of Jones County is hereby authorized to levy a special tax of eight cents (8c) on the one hundred dollars ($100.00) valuation of property for the

purpose of paying the salary of and expense of the office of county farm agent and home demonstration agent.

For County Attorney.

SEC. 3. The Board of County Commissioners of Jones County is hereby authorized to levy a special tax of five cents (5c) on the one hundred dollars ($100.00) valuation of property for the purpose of paying the salary of and expense of the office of county attorney.

For special terms of court.

SEC. 4. The Board of County Commissioners of Jones County is hereby authorized to levy a special tax of two cents (2c) on the one hundred dollars ($100.00) valuation of property for the purpose of paying the expense of special terms of court in Jones County.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 313 CHAPTER 332

AN ACT AMENDING CHAPTER FOUR HUNDRED AND NINETY-THREE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO THE SALARIES OF CERTAIN OFFICIALS OF WARREN COUNTY AND TO CONFER UPON THE BOARD OF COMMISSIONERS A DISCRETIONARY AUTHORITY TO FIX SALARIES.

The General Assembly of North Carolina do enact:

Authorizing Commissioners of Warren County to fix salaries of county officials and employees.

SECTION 1. Sections one, two, and three of Chapter four hundred ninety-three of the Session Laws of one thousand nine hundred and forty-three are hereby repealed.

SEC. 2. The Board of Commissioners of Warren County is hereby authorized and empowered in their discretion to fix the salaries of all officers and employees of said county; *provided* that all salaries of said officers and employees now fixed by law shall remain in full force and effect until said board of commissioners have exercised the authority conferred upon them by this Act.

Authorizing war bonus up to 10 per cent to January 1, 1947.

SEC. 3. The Board of Commissioners of Warren County is hereby authorized in its discretion in addition to the salaries now received or to be fixed by the provisions of this Act, to pay to such employees a war bonus of not more than ten (10) per cent of such salary. Any war bonus herein provided for shall not be

paid beyond January first, one thousand nine hundred and forty-seven and any war bonuses authorized by the board shall be effective as of December first, one thousand nine hundred and forty-four.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 333 CHAPTER 333

AN ACT TO EXTEND THE PERIOD DURING WHICH NEW HANOVER COUNTY AND MUNICIPALITIES WITHIN SAID COUNTY MAY ISSUE REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, BETTERMENT, AND EXTENSION OF REVENUE PRODUCING UNDERTAKINGS AS AUTHORIZED BY CHAPTER TWO OF THE PUBLIC LAWS OF THE EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section eleven of Chapter two of the Public Laws of North Carolina of the Extra Session of one thousand nine hundred and thirty-eight be and the same is hereby amended by changing the period at the end of Section eleven to a semicolon and adding to said section the following:

Amending certain 1938 Act relating to New Hanover County.

Except that New Hanover County and any municipality within said county may borrow money and deliver bonds to the purchaser or purchasers thereof at any time, and from time to time, on or before March first, one thousand nine hundred and forty-nine, for any undertaking authorized by this Act within said county or any municipality therein; *provided, further,* that New Hanover County and any municipality therein be and each is hereby authorized and empowered to provide for, construct, or acquire one or more of the revenue producing undertakings, in whole or in part, or in combination of two or more of such undertakings, whether now existing or hereafter acquired or constructed, jointly or separately, and/or in such proportions respecting the cost thereof, as may be determined by the board of commissioners of said county and the governing body of any municipality within said county, and the said county and any municipality therein, upon so doing, may issue and deliver revenue bonds pursuant to said Chapter two aforesaid, to the purchaser or purchasers of such bonds at any time, and from time

to time, to and until March first, one thousand nine hundred and forty-nine: *Provided,* nothing herein contained shall authorize the issuance of bonds to raise revenue for the purchase of any of the properties, assets or facilities now used by any public utility to furnish gas or electricity to the City of Wilmington or its residents.

SEC. 2. That Chapter two of the Public Laws of North Carolina, Extra Session of one thousand nine hundred and thirty-eight, is hereby reenacted in its entirety as hereby amended.

SEC. 3. That all laws or clauses of laws in conflict with the provisions of this Act are hereby repealed. **Conflicting laws repealed.**

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 342 **CHAPTER 334**

AN ACT TO AMEND CHAPTER FIFTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE COMPENSATION OF JURORS IN THE RECORDER'S COURT OF UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section four of Chapter fifty of the Public-Local Laws in one thousand nine hundred and thirty-nine be and the same is hereby repealed, and in lieu thereof the following shall be substituted: In all cases before the Recorder's Court of Union County where the defendant demands a jury trial, he shall deposit the sum of twenty-four dollars with the clerk of recorder's court before the jury is drawn; and thereupon the jury shall be drawn as heretofore provided in the acts relating to the recorder's court, and each juror so drawn and attending the trial of the cause and not being excused on his own motion shall be allowed the sum of one dollar and fifty cents per diem for his services and shall be paid therefor from the deposit made by the defendant with the clerk as above provided, and each juror chosen and sitting upon the case shall be paid the sum of two dollars and fifty cents for his services from the deposit so made. **Relating to jury trials in the Recorder's Court of Union County.**

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. **Conflicting laws repealed.**

SEC. 3. That this Act shall be in full force and effect on and after the first day of April, one thousand nine hundred and forty-five.

Ratified this the 3rd day of March, 1945.

H. B. 343 CHAPTER 335

AN ACT TO CHANGE THE RATE OF DISCOUNT FOR THE PREPAYMENT OF TAXES IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The provisions contained in Subsection one and Subsection six of Section one hundred and five - three hundred and forty-five of the General Statutes shall not apply to Bladen County.

Changing rate of discount for prepayment of taxes in Bladen County.

SEC. 2. Should any taxpayer in Bladen County desire to make a prepayment of his taxes, he may do so only by making payment to the Tax Collector of Bladen County, and he shall be entitled to the following discounts: Two per cent (2%) if paid on or before the first day of October; one per cent (1%) if paid on or before the first day of November.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 353 CHAPTER 336

AN ACT TO AMEND THE LAW RELATING TO JURY TRIALS IN THE RECORDER'S COURT OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Cases in Recorder's Court of Columbus County, in which jury trial be demanded, to be transferred to Superior Court.

SECTION 1. In all trials in the Recorder's Court of Columbus County upon demand for a jury trial, by either the defendant or the prosecuting attorney, the recorder shall transfer said cause for trial to the Superior Court of Columbus County and the defendant shall be required to execute a new and justified bond in such amount as may be named by the recorder, for the defendant's appearance at the next term of the Superior Court of Columbus County for trial of criminal cases.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 354 **CHAPTER 337**

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND FIFTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN AND PROVIDE FOR TRANSFER OF CIVIL CASES FROM THE RECORDER'S COURT OF COLUMBUS COUNTY TO THE SUPERIOR COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and fifty-one, Public-Local Laws of one thousand nine hundred and thirty-seven, be and the same is hereby repealed.

Transferring all civil cases in Recorder's Court of Columbus County to Superior Court.

SEC. 2. That all civil actions now pending in the Recorder's Court of Columbus County be transferred to the Superior Court of Columbus County for trial as now provided by statute.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 356 **CHAPTER 338**

AN ACT TO REPEAL CHAPTER SIX HUNDRED AND NINETY-TWO OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO THE CITY OF MORGANTON.

The General Assembly of North Carolina do enact:

Repealing certain Act of 1943, relating to Morganton.

SECTION 1. Chapter six hundred and ninety-two of the Session Laws of one thousand nine hundred and forty-three is hereby repealed.

SEC. 2. Section one, Article one, Chapter one hundred and four of the Private Laws of one thousand and nine hundred and thirteen is hereby reenacted.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 375 CHAPTER 339

AN ACT TO PROVIDE THAT NO SOLICITORS' FEE SHALL BE CHARGED OR COLLECTED IN THE RECORDER'S COURT OF GATES COUNTY.

The General Assembly of North Carolina do enact:

Recorder's Court of Gates County.

SECTION 1. That in the trial of criminal cases in Gates County Recorder's Court no defendant or prosecuting witness shall be required to pay a prosecution or solicitor's fee.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 376 CHAPTER 340

AN ACT TO DEFINE THE CORPORATE LIMITS OF THE TOWN OF CLARKTON, BLADEN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Clarkton in Bladen County be and they are hereby determined and defined as follows:

Corporate limits of Clarkton.

Beginning at a stake, the Southwest corner of the Sandy Burney lot, and running thence South forty-five (45) degrees forty-one (41) minutes East three thousand three hundred and seventy-five (3375) feet to a stake on the East edge of United States Highway Number seven hundred and one (701); thence South eighty-four and one-quarter (84¼) degrees East two thousand two hundred and fifteen (2215) feet to the Southwest corner of the Currie brother's farm; thence crossing State Highway Number two hundred and eleven (211) and Seaboard Air Line Railway North forty-seven and one-half (47½) East three thousand eight hundred and seventy-two (3872) feet to a stake in an old road near the Morehead-Johnson house; thence North thirty-six and one-half (36½) West four thousand three hundred and thirty (4330) feet to the East corner of the D. M. Bridger's barracks lot on a sand clay road a short distance North of its intersection with State Highway Number seven hundred and one (701); thence South eighty-three (83) degrees eight (8) minutes West crossing United States Highway Number seven hundred and one (701), three thousand and eighty (3080) feet to a stake near the old Forney Brown house site; thence South forty-four and three-quarters (44¾) West one thousand five hundred and eleven

(1511) feet to a stake on the South of said Seaboard Air Line Railway and West of G. W. Hester's house; thence South twenty (20) degrees seventeen (17) minutes West two thousand one hundred and fifty-nine (2159) feet to the beginning, as shown on a map made by Raphael S. Gillespie, registered land surveyor, March seventeen (17), one thousand nine hundred and forty-three (1943).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 381 CHAPTER 341

AN ACT TO ENCOURAGE THE CAPTURE OF STILLS OR DISTILLERIES IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Fee for capturing a still in Montgomery County.

SECTION 1. That for every still or distillery seized or captured by him, or his deputies, in Montgomery County, the Sheriff of Montgomery County shall receive and be paid a fee or reward of fifteen dollars ($15.00) from the general fund of Montgomery County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 386 CHAPTER 342

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF CASWELL COUNTY TO COMPILE AND PUBLISH A HISTORY OF THE MEMBERS OF THE ARMED FORCES OF SAID COUNTY AND PROVIDING A TAX THEREFOR.

The General Assembly of North Carolina do enact:

Authorizing Caswell County to have history of her veterans compiled.

SECTION 1. The Board of County Commissioners of Caswell County is hereby authorized and empowered to appoint a committee or person to compile and publish a record or history of the members of the United States Armed Forces, residents of Caswell County and to put such records or history in permanent

form and binding. The board may adopt rules and regulations under which such committee or person shall compile and publish the record and history herein authorized and the board may fix the compensation to be paid such committee or person and provide for the expense thereof.

Authorizing tax levy for same.

SEC. 2. The Board of Commissioners of Caswell County is hereby authorized and empowered to levy a special tax of one cent on each one hundred dollars ($100.00) of the taxable property of the county for the fiscal years July first, one thousand nine hundred and forty-five, to June thirtieth, one thousand nine hundred and forty-six, and July first, one thousand nine hundred and forty-six, to June thirtieth, one thousand nine hundred and forty-seven, for the purpose of meeting the expense incident to the compiling of the record and history provided for in Section one hereof. Any portion of said levy not necessary for said purpose shall revert to the general fund of the county.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 387 CHAPTER 343

AN ACT TO GIVE SPECIAL APPROVAL TO THE COUNTY COMMISSIONERS OF CASWELL COUNTY TO LEVY TAXES FOR SPECIAL PURPOSES IN EXCESS OF THE FIFTEEN CENTS LIMITATION SET OUT IN ARTICLE V, SECTION SIX, OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Authorizing tax levy in Caswell County for county farm agent, assistant and home demonstration agent.

SECTION 1. That the Board of County Commissioners of Caswell County is hereby authorized and empowered to levy a tax not to exceed four cents upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents limit set out in Article V, Section six, of the Constitution of North Carolina, for the special purpose of paying the salaries of the county farm agent, assistant county farm agent, home demonstration agent and the expenses of operating said offices.

For county accountant and assistant.

SEC. 2. That the Board of County Commissioners of Caswell County is hereby authorized and empowered to levy a tax not to exceed two cents upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents limit set out in Article V, Section six, of the Constitution of North Carolina, for the spe-

cial purpose of paying the salaries of the county accountant and assistant to the county accountant.

Constitutionality.

SEC. 3. That if any section, or part of any section of this Act is declared to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Act shall not thereby be invalidated.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 391 CHAPTER 344

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE SO AS TO PROVIDE FOR A STAGGERED TERM OF OFFICE FOR THE TRUSTEES OF THE FAIRMONT ADMINISTRATIVE UNIT, AND TO REPEAL THE PROVISION IN SAID ACT PROHIBITING A TAX LEVY IN SAID DISTRICT.

SECTION 1. Chapter two hundred and fifty-six of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby amended as follows:

(1) Amend Section three by rewriting Subsection (a) thereof to read as follows:

Relating to election of Trustees of Fairmont Schools.

(a) At the general primary election to be held in one thousand nine hundred and forty-six, there shall be nominated five candidates to be elected to the board of trustees at the next succeeding general election for county officers of Robeson County. The two candidates receiving the greater number of votes at said election shall serve for a term of four years and the other three candidates shall serve for a term of two years, and until their successors are elected and qualified. Thereafter, candidates to fill the offices of those trustees whose terms expire shall be nominated and elected biennially, the two receiving the greater number of votes at the general election to serve for a term of four years and the other to serve for a term of two years, and until their successors are elected and qualified.

(2) Amend Section four by inserting the words "governing bodies of" to immediately follow the word "to" in line four thereof; and by changing the comma after the word "Carolina" in line five to a period and striking out the remainder of the sentence.

(3) Amend Section five by striking out the words "Said Fairmont administrative unit shall levy no taxes of any description" in lines one and two thereof.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 394 **CHAPTER 345**

AN ACT TO AUTHORIZE AN ELECTION TO BE HELD IN THE TOWN OF WINDSOR, BERTIE COUNTY, NORTH CAROLINA, SUBMITTING TO THE QUALIFIED VOTERS OF SAID TOWN THE QUESTION OF LEVYING A SPECIAL TAX TO PROVIDE RECREATIONAL FACILITIES FOR THE YOUTH OF THE TOWN.

The General Assembly of North Carolina do enact:

Relating to special election in Windsor for recreational improvements.

SECTION 1. That upon the petition of fifty qualified voters residing in said Town of Windsor, the Board of Commissioners of the Town of Windsor shall call an election in said town, and submit to the qualified voters of said town the question of levying special tax of not less than ten cents (10c) on the hundred dollars valuation of property and not more than twenty cents (20c) on the hundred dollars valuation of said property for the purpose of providing recreational facilities, playgrounds, and parks for the children residing in Windsor.

Time of election.

SEC. 2. That said election shall be held within ninety days of the filing of said petition with the mayor of said town, and no special registration shall be necessary prior to the holding of the same.

Tax levy in case the election be favorable.

SEC. 3. That if a majority of the qualified voters of said Town of Windsor shall vote at said election in favor of levying a special tax for the said purposes, then the said board of commissioners of said Town of Windsor shall thereafter annually, at the same time other taxes are levied by it, levy a tax of not less than ten cents (10c) on the one hundred dollars valuation of property within the corporate limits of said town, and not exceeding the sum of twenty cents (20c) on the one hundred dollars valuation of property within the corporate limits of the said town, which said revenue shall be used for the purpose of acquiring and maintaining proper equipment, grounds, buildings, or parks for the use of the youth and residents of Windsor, and for the supervision thereof.

SEC. 4. That the Mayor of the Town of Windsor, the Principal of the Windsor Public Schools, the County Superintendent of Public Welfare, and one representative to be appointed annually by the Board of Commissioners of the Town of Windsor, shall constitute an advisory board to determine what grounds, equipment, and facilities are needed for said purposes, together with the maintenance and supervision thereof, and shall see that the funds derived from said special levy are used for the purposes set forth in this Act, but in no event shall they have the power to spend annually more than is realized from said special levy, or to bind the town for the payment of any obligations. The annual taxes collected from said special levy shall be collected by the Tax Collector of the Town of Windsor, turned over to the town treasurer as collected, and disbursed upon orders approved by a majority of the aforesaid advisory board.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 395 CHAPTER 346

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR JONES COUNTY, IN THEIR DISCRETION, TO ALLOCATE DELINQUENT AND INSOLVENT TAXES TO THE GENERAL FUND OR SCHOOL FUND.

The General Assembly of North Carolina do enact:

Delinquent taxes in Jones County.

SECTION 1. That the Board of Commissioners for Jones County be authorized, in their discretion, to direct that all delinquent taxes collected on land sale certificates, and all insolvent taxes, shall be allocated either to the general fund or to the school fund: *Provided,* that the purposes for which said taxes were levied have been met, or, if said taxes are allocated to the general fund, the general fund will assume liability for the payment of the balance due on such appropriations.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 397 **CHAPTER 347**

AN ACT TO AUTHORIZE THE COUNTY OF FORSYTH TO APPROPRIATE AND PAY TO THE WINSTON-SALEM AND FORSYTH COUNTY FAIR FUND A SUM OF MONEY FOR THE PROMOTION AND DEVELOPMENT OF AGRICULTURE.

Winston-Salem and Forsyth County Fair Fund.

WHEREAS, there has been created in Forsyth County an irrevocable charitable trust naming Wachovia Bank and Trust Company, Trustee of the Winston-Salem Foundation, as trustee, said trust being known and designated as "The Winston-Salem and Forsyth County Fair Fund," the primary purposes of said trust being the promotion and development of agriculture and related pursuits, encouraging and fostering of improved methods of production and marketing of farm products, livestock, poultry, dairy products, et cetera; and

Aid from Forsyth County.

WHEREAS, it is desirable that Forsyth County should aid, assist and cooperate in the establishment and furtherance of said project inasmuch as said purposes and objectives of the Winston-Salem and Forsyth County Fair Fund are public purposes and affected with a public interest: *Now, therefore,*

The General Assembly of North Carolina do enact:

County authorized to contribute to said Fair Fund.

SECTION 1. The Board of Commissioners for the County of Forsyth is authorized, in its discretion, to appropriate and pay from funds of the County of Forsyth not derived from taxation a sum not to exceed seven thousand five hundred dollars ($7,500.00) to Wachovia Bank and Trust Company Trustee of the Winston-Salem Foundation, for the Winston-Salem and Forsyth County Fair Fund for the purposes of said trust, which said sum of money may be appropriated and paid in its entirety, or in yearly installments, as the board of commissioners may elect, and the purposes for which said appropriation is to be made and as herein expressed are declared to be in all respects public purposes and for the general benefit and in the public interest.

SEC. 2. This Act shall apply only to Forsyth County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws that conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 410 **CHAPTER 348**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF EDENTON, IN CHOWAN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Edenton, Chowan County, North Carolina, as set forth in Chapter one hundred and five of the Private Laws of one thousand nine hundred and twenty-five, be, and they hereby are, extended to include the following additional territory, to-wit: Extending corporate limits of Edenton.

Beginning at a ditch on the North side of North Carolina Highway Number thirty-two, thence South sixty-five degrees fifteen minutes East one hundred and forty feet to a point which coincides with the West side of Granville Street; then North nineteen degrees East three hundred feet; thence South sixty-five degrees fifteen minutes East six hundred and eighty feet; thence North forty-five degrees thirty minutes East one hundred and thirty feet to the Southwest edge of the old Suffolk and Carolina Railroad right of way—now the Norfolk-Southern Railroad yard track; thence North twenty degrees ten minutes West along the Southwest edge of the old right of way four hundred and eighty feet; thence North thirty-two degrees fifty minutes West four hundred and fifteen feet; thence South fifty degrees ten minutes West seven hundred and seventy-three feet, thence South two degrees fifteen minutes East ninety-three feet; thence South seven degrees, five minutes West two hundred and sixty-five feet to the road, the place of beginning. New limits.

SEC. 2. That the property included within the extended corporate limits of the Town of Edenton, above described, shall be subject to taxation as other property in the Town of Edenton for the next fiscal year beginning July first, one thousand nine hundred and forty-five, and the citizens residing in said territory shall be entitled to all the privileges and benefits of other citizens of the said town. Same taxes and privileges.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 412 **CHAPTER 349**

AN ACT TO GIVE SPECIAL APPROVAL TO THE COUNTY COMMISSIONERS OF HARNETT COUNTY TO LEVY TAXES FOR SPECIAL PURPOSES IN EXCESS OF THE FIFTEEN CENT LIMITATION SET OUT IN ARTICLE V, SECTION SIX, OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Authorizing tax levy in Harnett County for county farm agent, home demonstration agent and assistants.

SECTION 1. That the Board of Commissioners of Harnett County is hereby authorized and empowered to levy a tax not to exceed three cents (3c) upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents (15c) limit set out in Article V, Section six, of the Constitution of North Carolina, for the special purpose of paying the salaries of the county farm agent, all assistants to the county farm agent, clerical assistance, supplies and the expense of operating said office; and for the special purpose of paying the salaries of the home demonstration agent and all assistants and expenses connected with the operating of said office.

For county accountant and assistants.

SEC. 2. That the Board of Commissioners of Harnett County is hereby authorized and empowered to levy a tax not to exceed three cents (3c) upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents (15c) limit set out in Article V, Section six, of the Constitution of North Carolina, for the special purpose of paying the salaries of the county accountant, all assistants to the county accountant, clerical assistance, supplies and the expenses of operating said office or position of county accountant.

For the Poor Fund.

SEC. 3. That the Board of Commissioners of Harnett County is hereby authorized and empowered to levy a tax not to exceed ten cents (10c) upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents (15c) limit set out in Article V, Section six, of the Constitution of North Carolina, for the poor fund or the care and maintenance of the poor.

Constitutionality.

SEC. 4. That if any section, or part of any section, of this Act is declared to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Act shall not thereby be invalidated.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 413 **CHAPTER 350**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HARNETT COUNTY TO APPOINT A COUNTY VETERANS SERVICE OFFICER AND TO LEVY TAXES FOR THIS SPECIAL PURPOSE IN EXCESS OF THE FIFTEEN CENTS (15c) LIMITATION SET OUT IN ARTICLE V, SECTION SIX, OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Authorizing Harnett County to employ a Veterans Service Officer.

SECTION 1. The County Commissioners of Harnett County are hereby authorized and empowered to employ and appoint a suitable person as county veterans service officer. The Harnett County Veterans Service Officer shall serve for a term to be determined by the county commissioners and at a salary to be fixed by said commissioners.

SEC. 2. It shall be the duty of the Harnett County Veterans Service Officer to:

Duties of said Officer.

(1) Acquaint himself or herself with the laws, Federal, State and local, enacted for the benefit of members of the armed forces, their families and dependents.

(2) Collect data and information as to facilities and services available to such persons with regard to education, health and medical care, rehabilitation, housing, employment and all other matters of a similar nature.

(3) Assist veterans, their families and dependents in the presentation of proof and establishment of claims for any benefits they may have under Federal, State or local laws.

Shall have notarial authority.

SEC. 3. The Harnett County Veterans Service Officer shall have a seal of office and shall be authorized to take acknowledgments, administer oaths, affirmations, execute depositions and affidavits, and perform other notarial act necessary to carry out the provisions of this Act.

Authorizing tax levy for said purpose.

SEC. 4. The Board of County Commissioners of Harnett County is hereby authorized and empowered to levy a tax not to exceed two cents (2c) upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents (15c) limit set out in Article V, Section six, of the Constitution of North Carolina, for the special purpose of paying the salary and all expenses connected with the office or position of Harnett County Veterans Service Officer.

Constitutionality.

SEC. 5. That if any section, or part of any section, of this Act is declared to be unconstitutional or invalid by a court of com-

petent jurdisdiction, the remainder of this Act shall not thereby be invalidated.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 417 CHAPTER 351

AN ACT TO AMEND ARTICLE VI OF CHAPTER SIXTY-FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO PERPETUAL CARE OF CEMETERIES.

The General Assembly of North Carolina do enact:

Amending statutes relating to cemeteries.

SECTION 1. Section sixty-five - thirty of the General Statutes is hereby amended by adding at the end thereof the following sentence:

Such examination shall extend back into the business of the cemeteries as far as the Burial Association Commissioner shall deem it necessary in order to show a true picture of the cemetery's financial condition.

SEC. 2. Section sixty-five - thirty-six of the General Statutes is hereby repealed and the following inserted in lieu thereof:

Raising $1000.00 annually by assessments on cemeteries to provide expenses of supervision.

SEC. 65-36. Funds for expenses of supervision. In order to meet the expenses of the supervision of the cemeteries herein provided for, the Burial Association Commissioner shall assess each cemetery operating under the terms of this article, an equal amount sufficient to collect an aggregate of one thousand dollars ($1,000.00), which said amount shall be deposited and commingled with all other funds coming into the hands of the Burial Association Commissioner and he may use said sum of money derived from this section in the discharge of the duties delegated to him by the laws of North Carolina. The assessments provided for in this section shall be due and payable on the first day of July, one thousand nine hundred and forty-five, and on the first day of July of each and every year thereafter. If any cemetery shall fail or refuse to pay the said assessment to the Burial Association Commissioner within thirty (30) days after the making of said assessment, then and in that event the said Burial Association Commissioner is hereby directed and empowered to cancel the license of such cemetery.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 419 CHAPTER 352

AN ACT AUTHORIZING THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF SPENCER TO DONATE A LOT TO THE UNITED STATES GOVERNMENT, SAID LOT TO BE USED FOR A POST OFFICE BUILDING.

The General Assembly of North Carolina do enact:

Authorizing Spencer to convey certain property to Federal Government.

SECTION 1. That the Mayor and Board of Aldermen of the Town of Spencer may in their discretion convey to the Federal Government a lot owned by the Town of Spencer, located on the corner of Fourth Street and Yadkin Avenue, and being approximately fifty by one hundred feet.

To be used as site for Post Office.

SEC. 2. That this lot shall be conveyed in the discretion of the mayor and board of aldermen in consideration of the United States Government erecting a United States Post Office on the site, and in consideration of the benefits that would accrue to the Town of Spencer upon the construction of a post office.

Conveyance to be made without advertisement or notice.

SEC. 3. That the mayor and board of aldermen are given authority in their discretion to convey the property mentioned in Section one without necessity of advertising any notice of conveyance or sale.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 427 CHAPTER 353

AN ACT TO AUTHORIZE THE TOWN OF SANFORD TO ESTABLISH THE OFFICE OF RECREATIONAL DIRECTOR AND APPROPRIATE FROM THE GENERAL FUND SUFFICIENT FUNDS TO PAY THE COST THEREOF.

The General Assembly of North Carolina do enact:

Authorizing Sanford to employ a director of recreation.

SECTION 1. That the Town of Sanford, North Carolina, is hereby authorized and empowered to establish the office of director of recreation for said town and to employ a director of recreation either on full time or part time as the board of aldermen of the town may direct, and fix the salary of said director.

Salary and expenses to be paid from general fund of the town.

SEC. 2. That if and when the office of director of recreation is established by the Board of Aldermen of the Town of Sanford, said board of aldermen is hereby authorized and empowered to appropriate from the general fund of the Town of Sanford an amount sufficient to pay the salary and expenses of said director.

Said director to have control over all public recreational facilities in Sanford.

SEC. 3. That such director so appointed, under the rules and regulations as may be set up and established by the Board of Aldermen of the Town of Sanford shall have control over the Sanford Baseball Park, the Sanford Swimming Pool, the Sanford Golf Course, the Sanford Tennis Courts, and such other recreational facilities as may be hereafter established by the Town of Sanford.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 428 CHAPTER 354

AN ACT TO AMEND SECTION TWENTY-SEVEN OF CHAPTER THREE HUNDRED AND EIGHTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN RELATING TO THE CHARTER OF THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

Amending charter of Sanford.

SECTION 1. Amend Section twenty-seven of Chapter three hundred and eighty of the Private Laws of one thousand nine hundred and fifteen by inserting in line seven of said section after the word "sidewalk" and before the word "fronting," the following: and provide curb and gutter and surface treatment on said street.

Same.

SEC. 2. Further amend said Section twenty-seven of Chapter three hundred and eighty of the Private Laws of one thousand nine hundred and fifteen by striking out the semicolon after the word "improvement" in line fifty-six thereof and placing in lieu thereof a period, and by striking out the remainder of said paragraph.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 434 **CHAPTER 355**

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-SIX OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, THE SAME BEING THE CHARTER OF THE CITY OF CHARLOTTE, WITH RESPECT TO THE TERM OF OFFICE OF THE MEMBERS OF THE PARK AND RECREATION COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter three hundred sixty-six of the Public-Local and Private Laws of North Carolina, Session of one thousand nine hundred and thirty-nine, be and the same is hereby amended as follows:

Amending charter of Charlotte.

In Section fifty-four, line seven thereof, by striking out the word "five" and substituting in lieu thereof the word "seven"; and by striking out Subsection one of said Section fifty-four and rewriting said subsection as follows:

The term of office of each member of said corporation shall be five years and all vacancies occurring on said board either by expiration of term of office, or otherwise, shall be filled by said governing body; *provided,* that upon the ratification of this Act, the terms of office of the present members of said corporation shall immediately expire and the governing body of said city shall immediately appoint new members for the following terms: Two members for a term of one year, two members for a term of three years, and three members for a term of five years; thereafter, their successors to be appointed as hereinbefore provided.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 435 **CHAPTER 356**

AN ACT AUTHORIZING THE LEVY OF TAX FOR PARKS AND RECREATION PURPOSES BY THE CITY OF CHARLOTTE UPON VOTE OF THE QUALIFIED VOTERS OF THE CITY.

The General Assembly of North Carolina do enact:

Authorizing election in Charlotte on levying a tax for park and recreation purposes.

SECTION 1. That the governing body of the City of Charlotte may by a majority vote after thirty days notice at the court house door of Mecklenburg County Court House and publication in one or more newspapers published in the City of Charlotte, order a special election to be held at such time as the governing body may fix, to determine the will of the people of the City of Charlotte as to whether the said governing board of said city shall levy annually an ad valorem tax of not more than seven cents on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in the City of Charlotte for park and recreation purposes. In the event the governing board shall order a special election for said purpose, the board shall order a new and special registration of the qualified voters of said city for such election, and notice of such new registration shall be deemed sufficiently given by publication once in a newspaper published in the city at least thirty days before the close of the registration books. The published notice of registration shall state the days on which the books will be open for registration of voters, and at the places at which they will be open on Saturdays, and the names of the polling places. It shall be sufficient notice of the election if such notice is published thirty days before the election. The books of such new registration shall open on the fourth Saturday before the election day and close on the second Saturday before the election day. The Saturday immediately before the election day shall be "Challenge Day."

Election procedure.

SEC. 2. The said special election if called shall be held under the control and supervision of the Mecklenburg County Board of Elections, and at such special election said election board shall cause to be place at each voting precinct in the City of Charlotte a ballot box marked "Park and Recreation Election"; that at said election all voters of the city who are duly qualified electors and who have duly registered for said election may vote in said election. Each of said voters when he or she comes to the polling place to vote shall be supplied by the election officials with a ballot. The form of the questions shall be in substantially the words, "For Increase of Park and Recreation Tax" and "Against Increase of Park and Recreation Tax," which alternates shall appear separate from each other on one ballot containing, opposite and to the left of each alternate, squares of appropriate size in one of which squares the voter may make a mark "X" to designate the voter's choice for or against such

tax. Said ballot shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election. Except as herein otherwise provided such special election, if called, shall be conducted in accordance with the general election laws.

Tax to be levied, if approved by election.

SEC. 3. If a majority of the qualified voters in such election vote, "For Increase of Park and Recreation Tax" then the governing body of the city shall thereafter levy annually an ad valorem tax on each one hundred dollars ($100.00) on the assessed valuation of the real and personal property taxable in the City of Charlotte for park and recreation purposes in the amount authorized by said election.

If election be unfavorable, present amount of levy to be continued.

SEC. 4. If a majority of the qualified voters at said election shall vote "Against Increase of Park and Recreation Tax" then and in that event the said governing body of said city shall continue to levy and collect the tax authorized by the vote held pursuant to Sections eleven, twelve, and thirteen of Chapter fifty-one of the Private Laws of one thousand nine hundred and twenty-seven, which said sections shall remain in full force and effect in the event the said qualified voters of the City of Charlotte vote "Against Increase of Park and Recreation Tax" in the election authorized by this Act.

Conflicting laws repealed.

SEC. 5. Except for the provisions hereinbefore specifically made with reference to Chapter fifty-one of the Private Laws of one thousand nine hundred and twenty-seven, all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 441 CHAPTER 357

AN ACT TO PROVIDE A PER DIEM COMPENSATION FOR MEMBERS OF THE BOARD OF WELFARE OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Relating to compensation of Board of Welfare of Mitchell County.

SECTION 1. For the period ending June thirtieth, one thousand nine hundred and forty-five, each member of the Board of Welfare of Mitchell County shall receive three dollars ($3.00) per diem for his attendance at each board meeting provided by law; thereafter, the Board of Commissioners of Mitchell County, in their discretion, may allow the board of welfare, as compensation for attendance at each meeting provided by law, an amount not in excess of three dollars ($3.00) per diem.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 442 CHAPTER 358

AN ACT RELATING TO THE COMPENSATION OF MEMBERS OF THE BOARD OF CHARITIES AND PUBLIC WELFARE OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Relating to compensation of Board of Welfare of Currituck County.

SECTION 1. The Board of Commissioners of Currituck County is hereby authorized and empowered to appropriate and turn over to the County Board of Charities and Public Welfare, the sum of one hundred twenty-five dollars ($125.00) per year which shall be equally divided between the members of the County Board of Charities and Public Welfare as a per diem for their services as such board members.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 448 CHAPTER 359

AN ACT RELATING TO THE FEES OF JUSTICES OF THE PEACE IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Fees of Justices of the Peace of Cumberland County.

SECTION 1. The duly qualified and acting Justices of the Peace of Cumberland County are authorized and empowered to include in their bills of cost, for their use and benefit, the following fees:

Civil Action

Civil cases.

Issuing summons	$1.00
Each additional defendant	.50
Plaintiffs undertaking	.50
Defendants undertaking	.50
Affidavit for removal	.50
Order of removal	.50
Subpoenas, each	.25

Trial and judgment	1.50
Transcript of judgment	.25
Execution on judgment	1.00
Return on appeal	.75
Jury trial and entering verdict	1.50

Ejectment Proceedings

Ejectment.

Issuing papers	$1.00
Trial and judgment	1.50
Each additional defendant	.50
Execution on judgment	1.00

Claim and Delivery

Claim and delivery.

Issuing papers, trial and judgment	$2.50
Additional defendants, each	.50
Replevin bond	.50

Attachment proceedings same as claim and delivery.

Criminal Actions

Criminal cases.

Affidavit	$ .50
Warrant, each	1.00
Subpoenas, each	.25
Recognizance, each	.40
Trial and judgment, each defendant	1.50
Affidavit for removal	.50
Order of removal	.40
Capias and order, each	1.00
Bond to Justice of Peace Court	.50
Bond to Superior Court	.50
Issuing, filing and docketing laborers lien	1.00
Trial and judgment	1.50
Garnishee papers for taxes	.50
Trial and judgment	1.50

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 455 **CHAPTER 360**

AN ACT ENABLING THE TOWN OF MORGANTON AND THE TOWN OF LENOIR TO JOINTLY ESTABLISH AN AIRPORT AND PROVIDING FOR THE MAINTENANCE OF A JOINT AIRPORT BY SAID TOWNS.

The General Assembly of North Carolina do enact:

Airport.

SECTION 1. Airport or landing field, for the purpose of this and the sections following, is defined as any plot of land or water formally set aside and designated as a place where aircraft may land or take off.

Authorizing Lenoir and Morganton to construct and operate an airport jointly.

SEC. 2. The governing bodies of the Town of Morganton and the Town of Lenoir are hereby authorized to jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft without the limits of said towns and within the limits of Burke and Caldwell Counties or either of them and may use for such purpose or purposes any properties suitable therefor that are now or may at any time hereafter be jointly owned or controlled by said towns.

Authorizing power of eminent domain in acquiring land for airport.

SEC. 3. Any lands acquired, owned, controlled, or equipped by said towns, for the purposes enumerated in Section two hereof, shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose, and said towns shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public purpose.

Authorizing appropriation of funds and sale of bonds.

SEC. 4. Private property needed by said towns for an airport or landing field may be acquired by gift or devise or shall be acquired by purchase if said towns are able to agree with the owners on the terms thereof, and otherwise by condemnation as provided by law for the acquirement of private property for municipal parks or streets. The purchase price, or award, for property acquired for an airport or landing field may be paid for by appropriation of monies available therefor, or by the application of any funds derived by either of said towns from the sale of any lands now or heretofore or hereafter owned for airport or landing field purposes, or other purposes, or wholly or partly from the proceeds of the sale of bonds of either of said towns as the governing bodies of such towns shall determine.

Excluding use of funds derived from ad valorem taxes.

SEC. 5. The governing bodies of said towns, and each of them, are hereby authorized to appropriate and use from the net proceeds derived from the operation of either of said towns, of any public utility, or from funds derived from any source other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to the establishment and maintenance of an airport in such proportion and upon such legal basis as may be de-

termined by a joint board to be appointed by the governing bodies of said towns. Providing nothing herein shall be construed to permit the governing bodies of said towns to issue bonds under the provisions of this Act without a vote of the people.

Issuance and sale of bonds to require vote of the people.

SEC. 6. The joint board to be appointed by the governing bodies of said towns shall be known as the "Morganton-Lenoir Airport Authority" (for brevity hereinafter referred to as the "Airport Authority"), and shall have the powers and jurisdiction hereinafter enumerated and such additional powers as shall be conferred upon it by future Acts of the General Assembly.

Control and operation to be by Morganton-Lenoir Airport Authority.

SEC. 7. The airport authority shall consist of six members, three of whom shall be resident voters of the Town of Morganton and three shall be resident voters of the Town of Lenoir. The six members shall have one vote each, and in the event of a tie vote the same shall be broken or decided by the Chairman of the North Carolina Civil Aeronautics Commission. Immediately after the passage of this Act the governing bodies of the Town of Morganton and the Town of Lenoir shall each name two members to serve on the airport authority for two years and one member to serve for a period of four years. The following persons are hereby appointed to serve on said airport authority for the terms of office indicated after their names; to-wit: R. E. Kibler, Morganton, North Carolina, for a term of four years; T. Henry Wilson, Morganton, North Carolina, for a term of two years; A. C. Chaffee, Morganton, North Carolina, for a term of two years; Earl H. Tate, Lenoir, North Carolina, for a term of four years, George H. Bernhardt, Lenoir, North Carolina, for a term of two years; and Clarence E. Beach, Lenoir, North Carolina, for a term of two years. After the first members shall have been appointed all subsequent appointments shall be for a period of four years, unless the appointment is made to fill a vacancy caused by resignation or death, in which case the appointee will be appointed to fill out the unexpired term of his predecessor. Members of the airport authority shall appear before the clerk of the superior court of the county in which the appointee resides and take and subscribe an oath of office and file the same with the clerk of said court.

Said Authority shall consist of three members from Morganton and three from Lenoir to be selected by governing board of each town.

Initial members named.

SEC. 8. The airport authority so appointed by the governing bodies of said towns shall act in an administrative capacity, and shall be vested with the authority to control, lease, maintain, construct, improve, operate and regulate the joint airport or landing field. It shall have complete authority over any airport or landing field jointly acquired by the governing bodies represented on said board. *Provided,* that said airport authority shall have no authority to pledge the credit of either of said towns. The said airport authority shall have power and authority to deal with the Civil Aeronautics Authority of the United States

Said Airport Authority shall have complete powers of control.

Government and any other representative of said Federal Government or State Government, relative to the grading, constructing, equipping, improving, maintaining and operating of airports or landing fields established under the authority of this Act. A majority of said board shall control its decisions, and in the event of a tie, the same shall be decided or broken as outlined in Section seven hereof. At the first meeting of said board, and annually thereafter, it shall elect a chairman from among its members. The airport authority shall meet at such place and time as the chairman of said airport authority shall designate. The members of the said board shall serve without compensation but may be reimbursed for out of pocket expenses. Members of said airport authority shall not be personally liable in any manner for their acts as members, except for misfeasance or malfeasance.

Members shall serve without compensation.

Additional powers.

SEC. 9. The said airport authority shall have the following additional powers and authority.

(a) To charge and collect reasonable and adequate fees for concessions and rents for the use of the airport property or for services rendered in the operation thereof.

(b) To make all reasonable rules and regulations as it deems necessary for the proper maintenance and operation of said airport—to provide penalties for the violation of such rules and regulations; *provided* said rules and regulations and schedule of fees are not in conflict with the laws of the State of North Carolina and the rules and regulations of the Civil Aeronautics Administration of the Federal Government.

(c) To employ such agents, engineers and attorneys and other persons whose services may be deemed by the airport authority to be necessary may be deemed by the airport authority to be necessary or useful in carrying out the provisions of this Act.

SEC. 10. Said airport authority shall make an annual report to the governing bodies of the Town of Morganton and the Town of Lenoir, setting forth in detail the operations and transactions conducted by it pursuant to this Act.

SEC. 11. This Act shall be considered and construed as an Act to amend and extend the charters of the Town of Morganton and the Town of Lenoir, so far as the same is applicable.

Constitutionality.

SEC. 12. If any part of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The General Assembly expressly declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

SEC. 13. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 14. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 458 **CHAPTER 361**

AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS BY WASHINGTON COUNTY FOR THE PURCHASE OF SITES, ERECTION OF SCHOOL BUILDINGS, PURCHASE OF NECESSARY EQUIPMENT, THE REPAIR AND REMODELING OF EXISTING SCHOOLHOUSES, AND OTHER LIKE PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That at such time hereafter as the Board of Education of Washington County may request, the Board of Commissioners for the County of Washington shall proceed under the provisions of Article IX of Chapter one hundred and fifty-three of the General Statutes to call an election in said county upon the question of the issuance of bonds or notes of Washington County in such amount as the Board of Education of Washington County shall request, but not exceeding two hundred and fifty thousand dollars ($250,000.00), for the purpose of the purchase of necessary land and equipment and the erection and purchase of schoolhouses, as authorized by Section one hundred and fifty-three - seventy-seven of the General Statutes, and specifically including the remodeling, renovating, reconditioning and the making of such additions to existing buildings as the board of education of said county may determine. In calling and conducting said election, proceedings shall be had in all respects as provided by Article IX of Chapter one hundred and fifty-three, the same being generally known as the County Finance Act. Authorizing bond election in Washington County for school purposes.

SEC. 2. In the event the issuance of said bonds or notes shall not be approved in an election held and conducted in the county on the question of their issuance, then, and in that event, all unexpended profits of the county Alcoholic Beverage Control stores which shall have inured to Washington County from their operation, or may so inure to Washington County thereafter, until the same shall amount to two hundred and fifty thousand dollars ($250,000.00), or such lesser sum as the county board of education may determine to be necessary, shall be dedicated and set aside, and be used by the county board of education at such time and in such manner as said board may determine, for the purposes enumerated in Section one hereof. If bond election unfavorable, profits from liquor stores to be applied to school purposes.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 461 CHAPTER 362

AN ACT TO AMEND CHAPTER ONE HUNDRED TWENTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-ONE RELATIVE TO THE CHARTER OF THE CITY OF ASHEVILLE.

Pennell's Code adopted in Asheville in 1923.

WHEREAS, in one thousand nine hundred and twenty-three there was adopted by the governing body of the City of Asheville what is known as Pennell's Code, and the Ordinances of the City of Asheville, North Carolina, were codified and printed in book form at that time; and

298 ordinances enacted since 1923.

WHEREAS, since the year one thousand nine hundred and twenty-three there have been enacted on the Statute Book of the City of Asheville by the governing body two hundred and ninety-eight (298) additional ordinances; and

Many ordinances obsolete.

WHEREAS, in Pennell's Code there has been stricken out a lot of obsolete laws and ordinances placed therein; and

Asheville's charter requires printing of ordinances in newspapers.

WHEREAS, the present charter of the City of Asheville requires that all ordinances be printed in the newspaper having the largest circulation in the City of Asheville; and

City Council authorizes preparation of new code for Asheville.

WHEREAS, the City Council of the City of Asheville by resolution has authorized the revising, codifying and consolidation of the present existing ordinances of the City of Asheville, the same to be printed in book form, along with the city charter and the Legislative Acts pertaining to the City of Asheville, same to be known as the Code of the City of Asheville; and

WHEREAS, the same will be, when finished, over one hundred and ten thousand (110,000) words; and

Said project would be impractical.

WHEREAS, in view of the present existing emergency and manpower shortage, and shortage of paper printing material, it is impractical to print said ordinances; and

Other plan to be devised.

WHEREAS, it is deemed advisable that other provisions for notifying the general public of the existing laws and the inspection of same be enacted; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and twenty-one of the Private Laws of the Session one thousand nine hundred and thirty-one, as amended by Chapter one hundred and eighty-six of the same session, be amended by inserting two new sections after Section seventeen A, said new sections to be known as Sections seventeen B and seventeen C as follows:

Relating to ordinance enacted February 15, 1945.

SEC. 17B. That Section seventeen A shall not apply to Ordinance two hundred and ninety-eight passed on the fifteenth day of February, one thousand nine hundred and forty-five, by the City Council of the City of Asheville and known as "An Ordinance Revising, Codifying and Consolidating the Ordinances of the City of Asheville."

New code to be deposited in office of City Clerk but not printed.

SEC. 17C. That in lieu of complying with Section seventeen of Chapter one hundred and twenty-one of the Private Laws of one thousand nine hundred and thirty-one the printed book known as "The Code of the City of Asheville" shall be deposited in the office of the Clerk of the City of Asheville to be kept for public inspection, and said book when deposited shall have the same validity as if the provisions of Section seventeen had been complied with.

Same.

SEC. 2. That Ordinance two hundred and ninety-eight in lieu of complying with Section seventeen A of Chapter one hundred and twenty-one of the Private Laws of one thousand nine hundred and thirty-one shall be deposited for public inspection on the desk in the office of the City Clerk of the City of Asheville for a period of thirty days beginning March tenth, one thousand nine hundred and forty-five and ending April tenth, one thousand nine hundred and forty-five.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 468 **CHAPTER 363**

AN ACT MAKING IT A MISDEMEANOR TO ALLOW LIVESTOCK TO RUN AT LARGE IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Misdemeanor to permit livestock to run at large in Vance County.

SECTION 1. If any person shall allow his livestock to run at large within Vance County, he shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty (30) days.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 475 CHAPTER 364

AN ACT TO VALIDATE SALES OF LAND FOR TAXES IN THE COUNTY OF CHATHAM OR ANY MUNICIPALITY OR OTHER TAXING DISTRICT THEREIN FOR THE YEARS ONE THOUSAND NINE HUNDRED AND FORTY-TWO, AND ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

The General Assembly of North Carolina do enact:

Validating certain tax sales in Chatham County.

SECTION 1. That all sales for failure to pay taxes held, conducted or made by the Tax Collector of Chatham County, or of any municipality or taxing district therein during the years of one thousand nine hundred and forty-two, and one thousand nine hundred and forty-three, or any date subsequent to or other than the date prescribed by law, and all certificates of sale executed and issued pursuant to and in accordance with such sales be, and the same are hereby approved, confirmed and validated, and shall have the same force and effect as if said sales had been held and conducted on the date prescribed by law.

Conflicting laws repealed.

SEC 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 483 CHAPTER 365

AN ACT APPROVING THE ACTION OF THE WAYNE COUNTY BOARD OF COMMISSIONERS IN ASSUMING THE BONDED INDEBTEDNESS OF THE FREMONT GRADED SCHOOL DISTRICT; AND AUTHORIZING THE SPECIAL LEVY FOR DEBT SERVICE ON PROPERTY IN THE FREMONT GRADED SCHOOL DISTRICT.

Wayne County assumed bond debts of Fremont School District.

WHEREAS, the Wayne County Board of Commissioners on June fifth, one thousand nine hundred and forty-four, by resolution duly adopted, assumed the outstanding bond issues of the Fremont Graded School District in the sum of thirty-three thousand dollars with interest thereon; and

Fremont agreed to special tax levy in said School District.

WHEREAS, the Fremont Graded School District adopted a concurring resolution agreeing that Wayne County levy a special debt service tax on each one hundred dollar valuation of taxable property in the Fremont Graded School District of five cents for the fiscal year one thousand nine hundred and forty-four - forty-five, of five cents for the fiscal year one thousand nine hundred and forty-five - forty-six, of five cents for the fiscal year one thousand nine hundred and forty-six - forty-seven, and of five cents for the fiscal year one thousand nine hundred and forty-seven - forty-eight, the proceeds thereof to be applied by Wayne County on said indebtedness of thirty-three thousand dollars and interest; and

Wayne County and Fremont desire to have their proceeding validated.

WHEREAS, the Wayne County Board of Commissioners desire to have their actions confirmed and approved, and that Wayne County be authorized to make the levies in the Fremont Graded School District, and such additional levies on the property in Wayne County as may be necessary to pay and discharge said indebtedness: Now, therefore,

The General Assembly of North Carolina do enact:

Validating assumption of bond debts of Fremont School District by Wayne County.

SECTION 1. That the action of the Wayne County Board of Commissioners in assuming the outstanding bond issues in the amount of thirty-three thousand dollars ($33,000.00) with interest, of the Fremont Graded School District be and the same is hereby confirmed and approved.

Authorizing certain special levies in Fremont School District to pay said bonds.

SEC. 2. That Wayne County levy a special debt service tax on each one hundred dollar valuation of taxable property in the Fremont Graded School District of five cents (5c) for the fiscal year one thousand nine hundred and forty-four - one thousand nine hundred and forty-five, of five cents (5c) for the fiscal year one thousand nine hundred and forty-five - one thousand nine hundred and forty-six, of five cents (5c) for the fiscal year one thousand nine hundred and forty-six - one thousand nine hundred and forty-seven, and of five cents (5c) for the fiscal year one thousand nine hundred and forty-seven - one thousand nine hundred and forty-eight, the proceeds thereof to be applied by Wayne County on said indebtedness of thirty-three thousand dollars ($33,000.00) and interest.

Authorizing certain county-wide levies.

SEC. 3. That Wayne County levy on each one hundred dollar valuation of taxable property of Wayne County for each of the fiscal years referred to in the next preceding paragraph, such additional tax, if any, as may be necessary to pay and discharge said indebtedness of thirty-three thousand dollars ($33,000.00) and interest, as the same matures.

Same.

SEC. 4. That Wayne County levy annually and equally each year after the fiscal year one thousand nine hundred and forty-seven - one thousand nine hundred and forty-eight on all of the taxable property in Wayne County, sufficient taxes to pay the remainder of said indebtedness with interest as the same matures.

Wayne County retain certain funds.

SEC. 5. That Wayne County shall retain all taxes heretofore or hereafter collected on special debt service levies for the Fremont Graded School District and shall apply the same, with the proceeds, of the other levies herein referred to, to the payment of said indebtedness of thirty-three thousand dollars ($33,000.00) with interest.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 492 CHAPTER 366

AN ACT TO FIX THE FEE FOR SERVING ANY CIVIL PROCESS OF THE JUSTICES OF THE PEACE OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Fixing certain fees in Rowan County.

SECTION 1. That for serving any civil process of a justice of the peace in Rowan County, the sheriff, any deputy sheriff, or constable shall receive the sum of one dollar ($1.00).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 495 CHAPTER 367

AN ACT TO FIX THE COMPENSATION OF THE BOARD OF ALDERMEN OF THE TOWN OF BELHAVEN.

The General Assembly of North Carolina do enact:

Relating to compensation of aldermen in Belhaven.

SECTION 1. Each member of the Board of Aldermen of the Town of Belhaven shall receive as compensation five dollars ($5.00) per diem for every meeting of the board actually attended.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after the qualification for office of members of the Board of Aldermen of the Town of Belhaven elected at the next succeeding municipal election held in the Town of Belhaven following the ratification of this Act. Effective date.

Ratified this the 3rd day of March, 1945.

H. B. 497 CHAPTER 368

AN ACT PROVIDING FOR THE ISSUANCE OF NOTES OF BRUNSWICK COUNTY FOR TEACHERAGES AND FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SAID NOTES.

The General Assembly of North Carolina do enact:

SECTION 1. That any notes duly authorized and issued by the County of Brunswick subsequent to March first, one thousand nine hundred and forty-five and prior to March first, one thousand nine hundred and forty-seven, evidencing money borrowed from the State Literary Fund for the special purpose of erecting and equipping teacherages at Waccamaw and Shallotte Schools and for purchasing sites therefor, shall be subject to the following provisions: (a) All rents received in the operation of said teacherages shall be applied solely to the payment of the principal of and interest on said notes as the same fall due, and (b) upon written demand from the State Board of Education to the Board of Commissioners of the County of Brunswick, said board of commissioners shall levy a special tax on all taxable property in said county for the payment of the principal of and interest on said notes and cause the same to be collected, in the same manner as other taxes are levied and collected and in accordance with the terms of said demand, and the collections of said special tax shall be segregated and accounted for separately from the collections of other taxes. Authorizing Brunswick County to issue notes for erecting and equipping teacherages at Waccamaw and Shallotte Schools.

SEC. 2. That the powers granted by this Act are granted in addition to and not in substitution for existing powers.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That the provisions of this Act shall be in force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 499 CHAPTER 369

AN ACT GIVING AUTHORITY TO THE POLICE OFFICERS OF SNOW HILL, GREENE COUNTY, TO PURSUE AND ARREST PERSONS CHARGED WITH THE COMMISSION OF CRIME IN SAID TOWN BEYOND ITS BORDERS.

The General Assembly of North Carolina do enact:

Authorizing officers of Snow Hill to pursue and arrest anywhere in Green County persons who have committed offenses in Snow Hill.

SECTION 1. When any crime is committed in the Town of Snow Hill, Greene County, and the person or persons charged therewith flees or flee the town, any police officer of the municipality, either with or without process, is hereby given full authority to pursue the person or persons so charged, and whether in sight or not, beyond the corporate limits of the town to any point within Greene County and to apprehend and arrest such person or persons anywhere within said county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 500 CHAPTER 370

AN ACT TO ENABLE THE COMMISSIONERS OF GREENE COUNTY TO PAY A WAR BONUS TO ITS OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Authorizing Greene County to pay war bonuses to its employees.

SECTION 1. The Board of Commissioners of Greene County is hereby authorized and empowered to pay a war bonus or sum in addition to the salaries heretofore paid to the employees of Greene County, including the elected officials whose salaries are fixed by the Legislature, and said board is authorized in its discretion to make such payments effective at the effective date of the bonus or extra payments to the employees of the State of North Carolina, any such bonus or extra payments heretofore having been made being hereby ratified and approved.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in force from and after its ratification and shall remain in force until six months after the duration of the war with Japan.

Ratified this the 3rd day of March, 1945.

H. B. 504 **CHAPTER 371**

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND SIXTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, RELATING TO THE RURAL POLICE OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Relating to rural police in Cumberland County.

SECTION 1. Amend Section one of Chapter five hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and twenty-three by striking out the word "four" as same appears in the sixth line of said section and inserting in lieu thereof the word "eleven."

SEC. 2. Amend Section three of Chapter five hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and twenty-three by adding a proviso at the end of said Section three, which said proviso shall read as follows:

One rural policeman to be assigned to Honeycutt Place.

Provided, that the Sheriff of Cumberland County and the Board of County Commissioners of Cumberland County shall assign one of said rural policemen for the performance of his official duties at, in and around what is known as the Honeycutt Place, the same being a government housing project.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws contained in Section one of Chapter two hundred and thirty-four of the Public-Local Acts of one thousand nine hundred and forty-one inconsistent with this Act, and especially that part of Section one which fixes the number of rural policemen for Cumberland County at the number of ten, is hereby repealed. Nothing herein contained, however, shall be construed as repealing that part of Section one of Chapter two hundred and thirty-four of the Public-Local Laws of one thousand nine hundred and forty-one relating to the minimum and maximum salaries of said rural policemen.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 513 CHAPTER 372

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-THREE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE PEACE OFFICERS' RELIEF FUND FOR THE CITY AND COUNTY OF WILSON.

The General Assembly of North Carolina do enact:

Amending laws relating to peace officers relief fund of City and County of Wilson.

SECTION 1. That Section eleven of Chapter one hundred and sixty-three of the Private Laws of one thousand, nine hundred and twenty-nine (1929) be, and the same is hereby amended by adding a new paragraph at the end of said section to read as follows: The executive board shall also have authority to pay out of any funds of the association, a sum not exceeding four per cent (4%) of the salary of every peace officer of such association, as herein defined, who is also a member of the North Carolina Law Enforcement Officers' Benefit and Retirement Fund, and pay the same as dues of such members to the Treasurer of the North Carolina Law Enforcement Officers' Benefit and Retirement Fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 519 CHAPTER 373

AN ACT TO PROVIDE FOR THE SETTING OF THE SALARY OF THE DEPUTY SHERIFF OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of deputy sheriff of Franklin County.

SECTION 1. That Section one of Chapter two hundred and sixty-two of the Public-Local Laws of one thousand nine hundred and thirty-seven as amended by Chapter one hundred and eighty-five of the Session Laws of one thousand nine hundred and forty-three, be amended by striking out the words "one thousand ($1,000.00) dollars" in line six thereof, and inserting in lieu thereof "one thousand three hundred twenty ($1,320.00) dollars."

Beginning date of increased salary.

SEC. 2. That said salary increase shall commence as of the first Monday in March one thousand nine hundred and forty-five.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 520 **CHAPTER 374**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, AS AMENDED BY CHAPTER SIX HUNDRED AND EIGHTY-FIVE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, RELATIVE TO THE CIVIL SERVICE COMMISSION OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. Section three of Chapter two hundred and twenty-three of the Public-Local Laws of one thousand nine hundred and forty-one is hereby amended by rewriting said section to read as follows:

SEC. 3. That the civil service commission shall have full charge of passing upon the qualifications and certifying the eligibility of all persons to be appointed as employees for the fire department and police department of such municipality, and also shall have full charge of the removal and discharge of said employees from the aforesaid departments. That no person or applicant shall be eligible for employment as a member of the fire department or police department, nor shall any member of said departments be removed, demoted or dismissed therefrom, except by the majority action of the civil service commission. The civil service commission shall make all necessary rules and regulations relating to the requirements of applications for positions in said departments. Such rules and regulations governing all applicants as aforesaid shall be printed and made available for public inspection and for the use of applicants for employment in said departments: *Provided,* that all such administrative or supervisory powers and authority over said departments as are not specifically delegated in this Act to said civil service commission shall be retained by the governing body of the city. Amending laws relating to Civil Service Commission of Wilmington in respect to Fire Department and Police Department.

SEC. 2. Section seven of Chapter two hundred and twenty-three of the Public-Local Laws of one thousand nine hundred and forty-one, as amended by Chapter six hundred and eighty-five of the Session Laws of one thousand nine hundred and forty-

three, is hereby amended by rewriting said section to read as follows:

Chief of Fire Department and Chief of Police Department.

SEC. 7. That the chief of the fire department and the chief of the police department shall be appointed from the personnel of the respective departments by the governing body of the City of Wilmington, North Carolina, subject, however, to the approval of the civil service commission of the City of Wilmington: *Provided,* that upon the demotion by the civil service commission of either the chief of the fire department or the chief of the police department, such officer shall thereupon remain a member of said department with such rank and grade of office as the civil service commission may in its own discretion determine. All promotions in the fire and police departments in the City of Wilmington shall be proposed by the governing body of the City of Wilmington upon its own initiative, or upon the recommendation of the chiefs of such departments, with due consideration being given to fitness and qualifications for such promotions and seniority in time of service. Such proposals for promotions shall be subject to confirmation by the civil service commission as hereinafter set forth. The governing body of the City of Wilmington shall submit to the civil service commission the names of each member of the several departments proposed by it for promotion for confirmation by the civil service commission and the said commission shall act thereon within twenty (20) days after receipt of notice, and promptly thereafter to notify the governing body of its action in each case. If the civil service commission shall refuse to confirm any such promotion within the time aforesaid, the governing body of the City of Wilmington shall then propose in like manner the name of any other member or members of the said department for promotion and confirmation as above provided.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 561 CHAPTER 375

AN ACT MAKING IT A MISDEMEANOR TO ALLOW LIVESTOCK TO RUN AT LARGE IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Misdemeanor to permit livestock to run at large in Currituck County.

SECTION 1. If any person shall allow his livestock to run at large within Currituck County, he shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty (30) days.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

H. B. 563 CHAPTER 376

AN ACT RELATING TO A SURVEY OF CERTAIN PROPERTY AND STATE WATERS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section one of Chapter six hundred seventy-nine of the Session Laws of one thousand nine hundred and forty-three is hereby amended by striking out all of said section between the comma after the word "shall" in line two and the comma after the word "Act" in line three, and inserting in lieu thereof, the following: Relating to survey of certain property and waters in Currituck County.

On or before the first day of October, one thousand nine hundred and forty-six.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1945.

S. B. 103 CHAPTER 377

AN ACT TO AMEND CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO GENERAL REGULATIONS FOR INSURANCE.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter fifty-eight of the General Statutes of North Carolina is amended as follows: Amending insurance laws.

(1) Insert the following new sections:

58-30.1. Additional or Coinsurance Clause. No insurance company or agent licensed to do business in this State may issue any policy or contract of insurance covering property in this State which shall contain any clause or provision requiring the insured to take or maintain a large amount of insurance than that expressed in such policy, nor in any way provide that the insured shall be liable as a coinsurer with the company issuing Additional or Coinsurance clause.

the policy for any part of the loss or damage to the property described in such policy, and any such clause or provision shall be null and void, and of no effect: *Provided,* the coinsurance clause or provision may be written in or attached to a policy or policies issued when there is stamped on the filing face of such policy or overprinted upon the form containing such clause the words "coinsurance contract." If there be a difference in the rate for the insurance with and without the coinsurance clause the rates for each shall be furnished the insured upon request.

Relating to rates on group insurance other than life, annuity, health and accident.

58-30.2. Group Plans Other than Life, Annuity or Accident and Health. No policy of insurance other than life, annuity or accident and health may be written in North Carolina on a group plan which insures a group of individuals under a master policy at rates lower than those charged for individual policies covering similar risks. The master policy and certificates, if any, shall be first approved by the commissioner and the rate, premiums or other essential information shall be shown on the certificate.

Relating to proof of loss.

58-31.1. Proof of Loss forms required to be furnished. When any company under any insurauce policy requires a written proof of loss after notice of such loss has been given by the insured or beneficiary, the company or its representative shall furnish a blank to be used for that purpose. If such forms are not so furnished within fifteen days after the receipt of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss, upon submitting within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, character, and extent of the loss for which claim is made.

(2) Amend Section fifty-eight - thirty-three by striking out in lines one and two after the word "company," the words "foreign or domestic."

(3) Repeal Section fifty-eight - one hundred and eleven.

(4) Insert the following new section:

No death benefits in merchandise or services.

58-33.1. Must not pay death benefits in services. No insurance company now doing business in this State or that may hereafter be authorized to do business in this State issuing contracts providing benefits in the event of death shall issue any contract providing for the payment of benefits in merchandise or service to be rendered to such policyholder or his beneficiary.

(5) Repeal Section fifty-eight - thirty-five and insert in lieu thereof the following sections:

Unearned premium reserves.

58-35. Unearned premium reserves. Every insurance company other than life and real estate title insurance shall maintain unearned premium reserves equal to the unearned portions of the gross premiums charged on unexpired or undetermined risks and policies. No deductions may be made from the gross premiums in force except for original premiums cancelled on risks terminated or reduced before expiration, or except for premiums paid or credited for risks reinsured with other solvent assuming insurers. Premiums charged for bulk or portfolio reinsurance assumed from other insurers shall be included as premiums in force on the basis of the original premiums and the original terms of the policies of the ceding insurer. Reinsurance ceded to such an assuming insurer may be deducted on the basis of original premiums and original terms except in the case of excess loss or catastrophe reinsurance which may be deducted only on the basis of actual reinsurance premiums and actual reinsurance terms. The commissioner of insurance may accept the valuation made by the company upon such evidence of its correctness as the commissioner may require.

If in the opinion of the commissioner the above method does not produce an adequate reserve he may require the company to calculate its unearned premium reserve upon the monthly pro rata fractional basis, or, if necessary, on each respective risk from the date of the issuance of the policy, and in case of premiums covering indefinite terms he may prescribe special regulations.

Loss reserves of fire and marine companies.

58-35.1. Loss Reserves of Fire and Marine Insurance Companies. In any determination of the financial condition of any fire or marine or fire and marine insurance company authorized to do business in this State, such company shall be charged, in addition to its unearned premium liability as prescribed in Section fifty-eight - thirty-five, with a liability for loss reserves in an amount equal to the aggregate for the estimated amounts payable on all outstanding claims reported to it which arose out of any contract of insurance or reinsurance made by it, and in addition thereto an amount fairly estimated as necessary to provide for unreported losses incurred on or prior to the date of such determination, and including, both as to reported and unreported claims, an amount estimated as necessary to provide for the expense of adjusting such claims, and there shall be deducted, in determining such liability for loss reserves, the amount of reinsurance recoverable by such company, in respect to such claims, from assuming insurers.

Reserves of casualty and surety companies.

58-35.2. Loss and loss expense reserves of casualty insurance and surety companies. 1. In determining the financial condition of any casualty insurance or surety company and in any financial statement or report of any such company, there shall

be included in the liabilities of such company loss reserves and loss expense reserves at least equal to the amounts required under the provisions of this section, and the amount of such reserves shall be diminished by allowance or credit for reinsurance recoverable from assuming insurers. The date as of which such determination, statement or report is made is hereinafter referred to as the date of determination.

What certain loss reserves shall include.

2. For all outstanding losses, other than those incurred under policies of workmen's compensation, employer's liability or personal injury liability insurance, such loss reserves shall include the following:

(a) The aggregate estimated amounts due or to become due on account of all losses and claims incurred but not paid, including the estimated liability on any notice received by the company of the occurrence of any event which may result in a loss.

(b) The aggregate amounts of liability for all losses incurred but on which no notice has been received, estimated in accordance with the company's prior experience, if any, otherwise in accordance with the experience of similar companies under similar contracts of insurance. The estimated liabilities for such losses under all its bonds, policies or contracts of, or covering any of the risks of, fidelity insurance, shall be not less than ten per cent of the net premiums in force thereon, and the estimated liabilities for all such losses under all its surety contracts shall be not less than five per cent of the net premium in force thereon.

In any loss reserves computed in accordance with rules or regulations prescribed by the commissioner under the provisions of Subsections seven or eight there shall be included, for liability upon all losses incurred but on which no notice has been received, an amount not less than that indicated by the company's experience.

3. The reserves for outstanding losses and loss expenses under policies of personal injury liability insurance and under policies of employer's liability insurance, except as provided in Subsections seven and eight, shall be computed as follows:

Reserves in liability suits still pending.

(a) For all liability suits being defended under policies written:

1. Ten years or more prior to the date of determination, one thousand and five hundred dollars for each suit.

2. Five or more and less than ten years prior to the date of determination, one thousand dollars for each suit.

3. Three or more and less than five years prior to the date of determination, eight hundred and fifty dollars for each suit. In any event the total loss and loss expense reserves for all such liability policies written more than three years prior to the date of determination shall be not less than the aggregate of the estimated unpaid losses and loss expenses under such policies computed on an individual case basis.

(b) For all such liability policies written during the three years immediately preceding the date of determination, such reserves shall be the sum of the reserves for each such year, which shall be sixty per cent of the earned premiums on liability policies written during such year less all loss and loss expense payments made under such policies written in such year. In any event such reserves for each of such three years shall be not less than the aggregate of the estimated unpaid losses and loss expense for claims incurred under liability policies written in the corresponding year computed on an individual case basis.

Reserves in workmen's compensation insurance.

4. The reserves for outstanding losses and loss expenses under policies of workmen's compensation insurance, except as provided in Subsections seven and eight, shall be computed as follows:

(a) For all such compensation policies written more than three years prior to the date of determination, such reserves shall be the present values, at three and one half per cent interest per annum, of the determined and estimated future loss and loss expense payments under such policies computed on an individual case basis.

(b) For all such compensation policies written during the three years immediately preceding the date of determination, such reserve shall be the sum of the reserves for each such year, which shall be sixty-five per cent of the earned premiums on such compensation policies written during such year less all loss and loss expense payments made under such policies written in such year. In any event such reserves for each of such three years shall be not less than the present values at three and one half per cent interest per annum, of the determined and estimated unpaid losses and loss expenses in connection with claims incurred under compensation policies written in the corresponding year computed on an individual basis.

Computing earned premiums.

5. The earned premiums referred to in this section shall be computed as follows: Determine the gross premiums charged on all such policies written or assumed, including all determined excess and additional premiums thereon; then deduct return premiums thereon other than premiums returned to policyholders or dividends, and deduct premiums for reinsurance ceded thereon to assuming insurers, and from such net premiums deduct the unearned premiums on such policies in force. The policy year

basis as used in this section means the year in which a policy is written and all premiums, losses and loss expenses relating to policies written in such year shall be credited or charged to such year.

The terms "loss payments" and "loss expense payments" as used in this section shall be determined by including all payments to claimants under such policies, payments for medical and surgical attendance, legal expenses, salaries and expenses of investigators, adjusters and field men, apportionable salaries and expenses of the home office and branch offices and all other payments made by such insurer on account of claims under such policies, whether such payments shall be allocated to specific claims or unallocated. Loss and loss expense payments shall be reduced by the amount of reinsurance recovered therefor from any assuming insurer.

Distribution of certain loss expenses.

6. All unallocated payments of liability loss expenses on policies referred to in Subsection three, made in a given calendar year subsequent to the first four years in which an insurer has been issuing liability policies shall be distributed by policy years as follows: Thirty-five per cent shall be charged to that year, forty per cent to the preceding year, ten per cent to the second year preceding, ten per cent to the third year preceding and five per cent to the fourth year preceding. Such payments made in each of the first four calendar years in which an insurer issued liability policies shall be distributed by policy years as follows: In the first calendar year one hundred per cent shall be charged to that year, in the second calendar year fifty per cent to that year and fifty per cent to the preceding year, in the third calendar year forty per cent to that year and forty per cent to the preceding year and twenty per cent to the second year preceding, and in the fourth calendar year thirty-five per cent to that year and forty per cent to the preceding year and fifteen per cent to the second preceding year and ten per cent to the third year preceding. A schedule showing such distribution shall be included in the annual statement.

All unallocated payments of compensation loss expenses on policies referred to in Subsection four, made in a given calendar year subsequent to the first three years in which an insurer has been issuing compensation policies shall be distributed by policy years as follows: Forty percent shall be charged to that year, forty-five per cent to the preceding year, ten per cent to the second year preceding and five per cent to the third year preceding. Such payments made in each of the first three calendar years in which an insurer issues compensation policies shall be distributed by policy years as follows: In the first calendar year one hundred per cent shall be charged to that year, in the second calendar year fifty per cent to that year and fifty per cent to the preceding year, in the third calendar year forty-

five per cent to that year, and forty-five per cent to the preceding year and ten per cent to the second year preceding. A schedule showing such distribution shall be included in the annual statement.

If reserves are inadequate, the Commissioner can require more.

7. Whenever in the judgment of the commissioner the loss and loss expense reserves of any casualty or surety company doing business in this State calculated in accordance with the foregoing provisions are inadequate, he may, in his discretion, modify the formulas hereinbefore set forth or prescribe any other basis which will produce adequate reserves. Each insurer that writes liability or compensation policies shall include in the annual statement required by law a schedule of its experience thereunder in such form as the commissioner may prescribe.

Companies must keep record of losses and pending claims.

8. For the purpose of determining loss reserves every casualty insurance and every surety company doing business in this State shall keep a complete and itemized record showing all losses and claims on which it has received notice, including all notices received by it of the occurrence of any event which may result in a loss.

(6) Insert the following new sections:

Limitation of certain risks.

58-39.1. Limitation of risk. Except as otherwise provided in this chapter, no insurer doing business in this State shall expose itself to any loss on any one risk in an amount exceeding ten per cent of its surplus to policyholders. Any risk or portion of any risk which shall have been reinsured shall be deducted in determining the limitation of risk prescribed in this section. This section shall not apply to life insurance or to the insurance of marine risks, or marine protection and indemnity risks, or workmen's compensation or employer's liability risks, or to certificates of title or guaranties of title or policies of title insurance. For the purpose of determining the limitation of risk under any provision of this chapter, "surplus to policyholders shall (a) be deemed to include any voluntary reserves, or any part thereof, which are not required by or pursuant to law, and (b) be determined from the last sworn statement of such insurer on file with the commissioner pursuant to law, or by the last report on examination filed by the commissioner, whichever is more recent at the time of assumption of such risk. In applying the limitation of risk under any provision of this chapter to alien insurers, such provision shall be deemed to refer to the exposure to risk and to the surplus to policyholders of the United States branch of such alien insurer.

Limitation of liability.

58-39.2. Limitation of liability assumed. No company transacting fidelity or surety business in this State shall expose itself to any loss on any one fidelity or surety risk or hazard in an amount exceeding ten per centum of its policyholders' surplus, unless it shall be protected in excess of that amount by

(a) Reinsurance in such form as to enable the obligee or beneficiary to maintain an action thereon against the company reinsured jointly with such reinsurer and, upon recovering judgment against such reinsured, to have recovery against such reinsurer for payment to the extent in which it may be liable under such reinsurance and in discharge thereof; or

(b) The cosuretyship of such a company similarly authorized; or

(c) By deposit with it in pledge or conveyance to it in trust for its protection of property; or

(d) By conveyance or mortgage for its protection; or

(e) In case a suretyship obligation was made on behalf or on account of a fiduciary holding property in a trust capacity, by deposit or other disposition of a portion of the property so held in trust that no future sale, mortgage, pledge or other disposition can be made thereof without the consent of such company; except by decree or order of a court of competent jurisdiction;

Provided: (1) That such company may execute what are known as transportation or warehousing bonds for United States Internal Revenue taxes to an amount equal to fifty per centum of its policyholders' surplus; (2) that, when the penalty of the suretyship obligation exceeds the amount of a judgment described therein as appealed from and thereby secured, or exceeds the amount of the subject matter in controversy or of the estate in the hands of the fiduciary for the performance of whose duties it is conditioned, the bond may be executed if the actual amount of the judgment or the subject matter in controversy or estate not subject to supervision or control of the surety is not in excess of such limitation; and (3) that, when the penalty of the suretyship obligation executed for the performance of a contract exceeds the contract price, the latter shall be taken as the basis for estimating the limit of risk within the meaning of this section.

No such company shall, anything to the contrary in this section notwithstanding, execute suretyship obligations guaranteeing the deposits of any single financial institution in an aggregate amount in excess of ten per centum of the policyholders' surplus of such surety, unless it shall be protected in excess of that amount by credits in accordance with Subdivisions (a), (b), (c), or (d) of this section: *Provided,* nothing in this section shall be construed to make invalid any contract entered into by such company with another person, firm, corporation or municipal corporation, notwithstanding any provisions of this section.

58-39.3. Reinsurance, when permitted; effect on reserves. 1. Every insurer authorized to do an insurance business in this State, hereinafter called the "ceding insurer" may, subject to the limitations of this chapter, reinsure its risks and policy liabilities in any other solvent insurer, hereinafter called the "assuming insurer," with the effects herein prescribed; but no prohibition or limitation herein contained shall invalidate any such contract of reinsurance as between the parties thereto. The commissioner shall have authority to make investigations and call for information relating to all contracts of reinsurance and when in his judgment such reinsurance contracts are not satisfactory he may disallow credit therefor as an admitted asset or as a deduction from loss and unearned premium reserve. Reinsurance and effect on reserves.

2. For the purpose of determining the financial condition of a ceding insurer, it shall, in addition to any credit allowed against its loss reserves, receive credit for such reinsurance calculated in the following manner:

(a) In the case of reinsurance of the whole or any part of any risk other than as specified in paragraph (b) following, the ceding insurer shall receive credit for such reinsurance by way of deduction from its unearned premium liability calculated in accordance with the provisions of Section fifty-eight - thirty-five.

(b) In the case of reinsurance of the whole or any part of any life insurance or annuity or non-cancellable disability risk, the ceding insurer shall receive credit, by way of deduction from its reserve liability, in an amount not exceeding the amount of the reserve on the reinsured portion of such risk which the ceding insurer would have maintained if such portion had not been reinsured.

Nothing contained in this section shall be deemed to permit the ceding insurer to receive through the cession of the whole or any part of any risk or risks any advantage whereby its unearned premium reserve, or the net amount of its valuation reserves, as the case may be, is reduced below the required amount thereof by the provisions of this chapter.

3. For the purpose of determining the financial condition of any assuming insurer, such insurer shall be charged with an amount in its unearned premium liability equal to the amount of the deduction specified in Paragraph (a) of Subsection two, and in its valuation reserve liability with an amount at least equal to the amount which it would be required to maintain in accordance with the provisions of this chapter if it were the direct insurer of such assumed risks on the basis specified in the reinsurance agreement.

4. The commissioner may revoke or suspend the license of any company violating the provisions of this section.

(7) Repeal Section fifty-eight - one hundred and nineteen.

(8) Amend Section fifty-eight - fifty-three by striking out in line four before the word "companies" the word "foreign."

(9) Amend Section fifty-eight - fifty-four by striking out in line two after the word "company" the words "association, order or society."

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Constitutionality.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

S. B. 104 CHAPTER 378

AN ACT TO AMEND CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO FIRE INSURANCE.

The General Assembly of North Carolina do enact:

Amending laws relating to fire insurance.

SECTION 1. Chapter fifty-eight of the General Statutes of North Carolina is hereby amended as follows:

(1) Repeal Section fifty-eight - one hundred and fifty-six.

(2) Repeal Section fifty-eight - one hundred and sixty-one.

(3) Repeal Section fifty-eight - one hundred and sixty-two and insert in lieu thereof the following:

Prohibiting assumption of reinsurance on property in this State from companies not licensed in this State.

58-162. Reinsurance assumed from unlicensed companies prohibited. No fire, marine, or fire and marine insurance company licensed to do business in North Carolina shall assume reinsurance on property located in the State of North Carolina from a company which is not licensed to do business in North Carolina. A company violating the provisions of this section shall be subject to cancellation of its license to do business in this State and upon conviction thereof shall be punished by a fine of five hundred dollars ($500.00) for each offense.

(4) Insert a new section to be numbered fifty-eight - one hundred and sixty-two point one as follows:

Certain limitations on fire insurance risks.

58-162.1. Limitation of fire insurance risks. No insurer authorized to do in this State the business of fire insurance shall expose itself to any loss on any one fire risk, whether located in this State or elsewhere, in an amount exceeding ten per cent of its surplus to policyholders, except that in the case of risks adequately protected by automatic sprinklers or risks principally of non-combustible construction and occupancy such insurer may expose itself to any loss on any one risk in an amount not exceeding twenty-five per cent of the sum of (a) its unearned premium reserve and (b) its surplus to policyholders. Any risk or portion of any risk which shall have been reinsured shall be deducted in determining the limitation of risk prescribed in this section.

(5) Repeal Section fifty-eight - one hundred and sixty-three.

(6) Repeal Section fifty-eight - one hundred and sixty-five.

(7) Insert a new section to be numbered fifty-eight - fifty-three point one as follows:

Relating to procurement of policies from unlicensed companies.

58-53.1. Citizens authorized to procure policies in unlicensed foreign companies. (1) What applicant must show: The commissioner, upon the annual payment of a fee of twenty dollars, may issue licenses to citizens of this State, subject to revocation at any time, permitting the person named therein to procure policies of insurance on property in this State in foreign or alien insurance companies not authorized to transact business in the State. Before the person named in such a license may procure any insurance in such companies or on any property in this State, he must execute and file with the commissioner an affidavit that he is unable to procure in companies admitted to do business in the State the amount of insurance necessary to protect such property, and may only procure insurance under such license after he has procured insurance in companies admitted to do business in this State to the full amount which those companies are willing to write on the property. If the persons licensed under the provisions of this section procures insurance on property of others in such non-admitted companies he shall stamp or write upon the filing face and the first page of each policy so issued the words "This company is not licensed to do business in North Carolina."

(2) Account and report: Each person so licensed must keep a separate account of the business done under the license, a certified copy of which account he shall forthwith file with the commissioner, showing the exact amount of such insurance placed by any person, firm or corporation, the gross premium charged thereon, the companies in which the same is placed, the date and terms of the policies, and also a report in the same detail of all such policies canceled and the gross return premium thereon.

(3) Bond filed: Before receiving such license the applicant therefor shall execute and deliver to the commissioner a bond in the penal sum of one thousand dollars, with such sureties as the commissioner may approve, with a condition that the licensee will faithfully comply with all the requirements of Sections fifty-eight - fifty-three point one, fifty-eight - fifty-three point two and fifty-eight - fifty-three point three, and will file with the commissioner in January of each year, a sworn statement of the gross premiums charged for insurance procured or placed, and the gross returned premiums on such insurance canceled under such license during the year ending on the thirty-first day of December next preceding, and at the time of filing such statement will pay into the treasury of the State a sum equal to five per centum of such gross premiums, less return premiums, so reported, or pay such tax at the time of taking out and delivering such policy or policies.

(8) Transfer Section fifty-eight - one hundred and sixty-six and renumber same as Section fifty-eight - fifty-three point two and amend as follows:

(a) Insert in line two between the word "foreign" and the word "company" the words "or alien."

(b) Insert in line five between the word "foreign" and the word "company" the words "or alien."

(9) Transfer Section fifty-eight - one hundred and sixty-seven and renumber same as Section fifty-eight - fifty-three point three and amend as follows:

(a) Strike out between the word "person" in line one and the word "any" in line two the words "or corporation shall insure" and insert in lieu thereof the words "procures insurance on."

(b) Strike out in line five preceding the word "to" the words "or corporation."

(10) Amend Section fifty-eight - one hundred and seventy-five as follows:

(a) Change in line thirteen following the word "representative" the comma to a period and strike out the words "with a notice to the effect that the rate is promulgated and filed with the insurance department. Every agent of a fire insurance company shall, before issuing a policy of insurance on property situated in a city or town, inspect the same informing himself as to its value and insurable condition."

(b) Change in the caption the semicolon to a period and dash and strike out the words "agent to inspect risks."

(11) Insert a new section as follows:

58-175.1. Agent to inspect risks. Every agent of a fire insurance company shall, before issuing a policy of insurance on property situated in a city or town, inspect the same, informing himself as to its value and insurable condition.

(12) Repeal Section fifty-eight - one hundred and seventy-six.

(13) Repeal Section fifty-eight - one hundred and seventy-seven.

(14) Insert a new section as follows:

58-176. Fire insurance contract; standard policy provisions. (1) The printed form of a policy of fire insurance, as set forth in Subsection three shall be known and designated as the "Standard Fire Insurance Policy of the State of North Carolina." Standard Fire Insurance Policy.

(2) No policy or contract of fire insurance shall be made, issued or delivered by any insurer or by any agent or representative thereof, on any property in this State, unless it shall conform as to all provisions, stipulations, agreements and conditions, with such form of policy. All policies must conform.

There shall be printed at the head of said policy the name of the insurer or insurers issuing the policy; the location of the home office thereof; a statement whether said insurer or insurers are stock or mutual corporations or are reciprocal insurers. No provisions of this section limit a company to the use of any particular size or manner of folding the paper upon which the policy is printed; *provided, however,* that any company organized under special charter provisions may so indicate upon its policy, and may add a statement of the plan under which it operates in this State. Provisions in Standard Policy.

The standard fire insurance policy provided for herein need not be used for effecting reinsurance between insurers.

(3) The form of the standard fire insurance policy of the State of North Carolina (with permission to substitute for the word "company" a more accurate descriptive term for the type of insurer) shall be as follows: (See Insert).

The following forms are photographically reproduced from the original legal size pages

FIRST PAGE OF STANDARD FIRE POLICY

No.

[Space for insertion of name of company or companies issuing the policy and other matter permitted to be stated at the head of the policy.]

[Space for listing amounts of insurance, rates and premiums for the basic coverages insured under the standard form of policy and for additional coverages or perils insured under endorsements attached.]

In Consideration of the Provisions and Stipulations herein or added hereto and of _____ Dollars Premium

this Company, for the term of _____ from the _____ day of _____, 19__ to the _____ day of _____, 19__ {at noon, Standard Time, at location of property involved,

to an amount not exceeding _____ Dollars,

does insure _____

and legal representatives, to the extent of the actual cash value of the property at the time of loss, but not exceeding the amount which it would cost to repair or replace the property with material of like kind and quality within a reasonable time after such loss, without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating construction or repair, and without compensation for loss resulting from interruption of business or manufacture, nor in any event for more than the interest of the insured, against all DIRECT LOSS BY FIRE, LIGHTNING AND BY REMOVAL FROM PREMISES ENDANGERED BY THE PERILS INSURED AGAINST IN THIS POLICY, EXCEPT AS HEREINAFTER PROVIDED, to the property described hereinafter while located or contained as described in this policy, or pro rata for five days at each proper place to which any of the property shall necessarily be removed for preservation from the perils insured against in this policy, but not elsewhere.

Assignment of this policy shall not be valid except with the written consent of this Company.

This policy is made and accepted subject to the foregoing provisions and stipulations and those hereinafter stated, which are hereby made a part of this policy, together with such other provisions, stipulations and agreements as may be added hereto, as provided in this policy.

In Witness Whereof, this Company has executed and attested these presents; but this policy shall not be valid unless countersigned by the duly authorized Agent of this Company at _____

_____

Secretary. *President.*

Countersigned this _____ day of _____, 19__ _____

AGENT.

SECOND PAGE OF STANDARD FIRE POLICY

Concealment, fraud. This entire policy shall be void if, whether before or after a loss, the insured has willfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of the insured therein, or in case of any fraud or false swearing by the insured relating thereto.

Uninsurable and excepted property. This policy shall not cover accounts, bills, currency, deeds, evidences of debt, money or securities; nor, unless specifically named hereon in writing, bullion or manuscripts.

Perils not included. This Company shall not be liable for loss by fire or other perils insured against in this policy caused, directly or indirectly, by: (a) enemy attack by armed forces, including action taken by military, naval or air forces in resisting an actual or an immediately impending enemy attack; (b) invasion; (c) insurrection; (d) rebellion; (e) revolution; (f) civil war; (g) usurped power; (h) order of any civil authority except acts of destruction at the time of and for the purpose of preventing the spread of fire, provided that such fire did not originate from any of the perils excluded by this policy; (i) neglect of the insured to use all reasonable means to save and preserve the property at and after a loss, or when the property is endangered by fire in neighboring premises; (j) nor shall this Company be liable for loss by theft.

Other insurance. Other insurance may be prohibited or the amount of insurance may be limited by endorsement attached hereto.

Conditions suspending or restricting insurance. Unless otherwise provided in writing added hereto this Company shall not be liable for loss occurring

(a) while the hazard is increased by any means within the control or knowledge of the insured; or

(b) while a described building, whether intended for occupancy by owner or tenant, is vacant or unoccupied beyond a period of sixty consecutive days; or

(c) as a result of explosion or riot, unless fire ensue, and in that event for loss by fire only.

Other perils or subjects. Any other peril to be insured against or subject of insurance to be covered in this policy shall be by endorsement in writing hereon or added hereto.

Added provisions. The extent of the application of insurance under this policy and of the contribution to be made by this Company in case of loss, and any other provision or agreement not inconsistent with the provisions of this policy, may be provided for in writing added hereto, but no provision may be waived except such as by the terms of this policy is subject to change.

Waiver provisions. No permission affecting this insurance shall exist, or waiver of any provision be valid, unless granted herein or expressed in writing added hereto. No provision, stipulation or forfeiture shall be held to be waived by any requirement or proceeding on the part of this Company relating to appraisal or to any examination provided for herein.

Cancellation of policy. This policy shall be cancelled at any time at the request of the insured, in which case this Company shall, upon demand and surrender of this policy, refund the excess of paid premium above the customary short rates for the expired time. This policy may be cancelled at any time by this Company by giving to the insured a five days' written notice of cancellation with or without tender of the excess of paid premium above the pro rata premium for the expired time, which excess, if not tendered, shall be refunded on demand. Notice of cancellation shall state that said excess premium (if not tendered) will be refunded on demand.

Mortgagee interests and obligations. If loss hereunder is made payable, in whole or in part, to a designated mortgagee not named herein as the insured, such interest in this policy may be cancelled by giving to such mortgagee a ten days' written notice of cancellation.

If the insured fails to render proof of loss such mortgagee, upon notice, shall render proof of loss in the form herein specified within sixty (60) days thereafter and shall be subject to the provisions hereof relating to appraisal and time of payment and of bringing suit. If this Company shall claim that no liability existed as to the mortgagor or owner, it shall, to the extent of payment of loss to the mortgagee, be subrogated to all the mortgagee's rights of recovery, but without impairing mortgagee's right to sue; or it may pay off the mortgage debt and require an assignment thereof and of the mortgage. Other provisions relating to the interests and obligations of such mortgagee may be added hereto by agreement in writing.

Pro rata liability. This Company shall not be liable for a greater proportion of any loss than the amount hereby insured shall bear to the whole insurance covering the property against the peril involved, whether collectible or not.

Requirements in case loss occurs. The insured shall give immediate written notice to this Company of any loss, protect the property from further damage, forthwith separate the damaged and undamaged personal property, put it in the best possible order, furnish a complete inventory of the destroyed, damaged and undamaged property, showing in detail quantities, costs, actual cash value and amount of loss claimed; and within sixty days after the loss, unless such time is extended in writing by this Company, the insured shall render to this Company a proof of loss, signed and sworn to by the insured, stating the knowledge and belief of the insured as to the following: the time and origin of the loss, the interest of the insured and of all others in the property, the actual cash value of each item thereof and the amount of loss thereto, all encumbrances thereon, all other contracts of insurance, whether valid or not, covering any of said property, any changes in the title, use, occupation, location, possession or exposures of said property since the issuing of this policy, by whom and for what purpose any building herein described and the several parts thereof were occupied at the time of loss and whether or not it then stood on leased ground, and shall furnish a copy of all the descriptions and schedules in all policies and, if required, verified plans and specifications of any building, fixtures or machinery destroyed or damaged. The insured, as often as may be reasonably required, shall exhibit to any person designated by this Company all that remains of any property herein described, and submit to examinations under oath by any person named by this Company, and subscribe the same; and, as often as may be reasonably required, shall produce for examination all books of account, bills, invoices and other vouchers, or certified copies thereof if originals be lost, at such reasonable time and place as may be designated by this Company or its representative, and shall permit extracts and copies thereof to be made.

Appraisal. In case the insured and this Company shall fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within twenty days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for fifteen days to agree upon such umpire, then, on request of the insured or this Company, such umpire shall be selected by a judge of a court of record in the state in which the property covered is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two when filed with this Company shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and umpire shall be paid by the parties equally.

Company's options. It shall be optional with this Company to take all, or any part, of the property at the agreed or appraised value, and also to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving notice of its intention so to do within thirty days after the receipt of the proof of loss herein required.

Abandonment. There can be no abandonment to this Company of any property.

When loss payable. The amount of loss for which this Company may be liable shall be payable sixty days after proof of loss, as herein provided, is received by this Company and ascertainment of the loss is made either by agreement between the insured and this Company expressed in writing or by the filing with this Company of an award as herein provided.

Suit. No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, and unless commenced within twelve months next after inception of the loss.

Subrogation. This Company may require from the insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by this Company.

THIRD PAGE OF STANDARD FIRE POLICY

ATTACH FORM BELOW THIS LINE

BACK OF STANDARD FIRE POLICY
(OPTIONAL)

Standard Fire Insurance Policy of the States of

*Expires*_____

*Property*_____

*Assured*_____

No._____

(COMPANY)

It is important that the written portions of all policies covering the same property read exactly alike. If they do not, they should be made uniform at once.

(15) Insert a new section as follows:

58-177. Standard policy; permissible variations. No fire insurance company shall issue fire insurance policies on property in this State other than those of the standard form as set forth in Section fifty-eight - one hundred and seventy-six, except as follows:

(a) A company may print on or in its policies the date of incorporation, the amount of its paid-up capital stock, the names of its officers, and to the words at the top of the back of said policy, "Standard Fire Insurance Policy of the States of" may

be added after or before the word "North Carolina" the names of any states in which the said policy form may be standard when the policy is used.

(b) A company may use in its policies written or printed forms of description and specification of the property insured.

Certain changes, not more restrictive than Standard provisions, can be added or attached.

(c) A company may write or print upon the margin or across the face of a policy, or upon separate slips or riders to be attached thereto, provisions adding to or modifying those contained in the standard form, and all such slips, riders, and provisions must be signed by an officer or agent of the company so using them. *Provided, however,* such provisions shall not have the effect of making the provisions of the standard policy form more restrictive. The iron safe or any similar clause requiring the taking of inventories, the keeping of books and producing the same in the adjustment of any loss, shall not be used or operative in the settlement of losses on buildings, furniture and fixtures, or any property not subject to any change in bulk and value.

Relating to Binders for 30 days.

(d) Binders or other contracts for temporary insurance may be made, orally or in writing, for a period which shall not exceed thirty days, and shall be deemed to include all the terms of such standard fire insurance policy and all such applicable endorsements, approved by the commissioner, as may be designated in such contract of temporary insurance; except that the cancellation clause of such standard fire insurance policy, and the clause thereof specifying the hour of the day at which the insurance shall commence, may be superseded by the express terms of such contract of temporary insurance.

Combination policies by two or more companies.

(e) Two or more companies authorized to do in this State the business of fire insurance, may, with the approval of the commissioner, issue a combination standard form of fire insurance policy which shall contain the following provisions:

Must show liability of each company.

(1) A provision substantially to the effect that the insurers executing such policy shall be severally liable for the full amount of any loss or damage, according to the terms of the policy, or for specified percentages or amounts thereof, aggregating the full amount of such insurance under such policy.

Notice, proof of loss and service of process for one applies to all.

(2) A provision substantially to the effect that service of process, or of any notice or proof of loss required by such policy, upon any of the companies executing such policy, shall be deemed to be service upon all such insurers.

Commissioner might require certain other provisions.

(f) Appropriate forms of supplemental contract or contracts or extended coverage endorsements and other endorsements whereby the interest in the property described in such policy shall be insured against one or more of the perils which the company is empowered to assume, in addition to the perils covered by said

standard fire insurance policy may be approved by the commissioner, and their use in connection with a standard fire insurance policy may be authorized by him. In his discretion the commissioner may authorize the printing of such supplemental contract or contracts or extended coverage endorsements and other endorsements in the form of the standard fire insurance policy. The first page of the policy may in form approved by the commissioner be arranged to provide space for the listing of amounts of insurance, rates and premiums for the basic coverages insured under the standard form of policy and for additional coverages or perils insured under endorsements attached or printed therein, and such other data as may be conveniently included for duplication on daily reports for office records.

Companies can include in Standard Policy "Provisions Required by Law to be Inserted in this Policy," if they do not conflict with Standard provisions.

(g) A company may print on or in its policy, with the approval of the commissioner, any provision which it is required by law to insert in its policies not in conflict with the provisions of such standard form. Such provisions shall be printed apart from the other provisions, agreements, or conditions of the policy, under a separate title, as follows: "Provisions Required by Law to be Inserted in This Policy."

(16) Repeal Section fifty-eight - one hundred and seventy-eight.

(17) Insert a new section as follows:

Relating to notice from assured to insurer regarding unoccupancy, and other matters.

58-178. Notice by insured or agent as to increase of hazard, unoccupancy and other insurance. If notice in writing signed by the insured, or his agent, is given before loss or damage by any peril insured against under the standard fire insurance policy to the agent of the company or any fact or condition stated in paragraphs (a), (b) or with respect to "other insurance" of the standard form of policy set out in Section fifty-eight - one hundred and seventy-six it is equivalent to an agreement in writing added thereto, and has the force of the agreement in writing referred to in the foregoing form of policy with respect to the liability of the company and the waiver; but this notice does not affect the right of the company to cancel the policy as therein stipulated.

(18) Insert a new section as follows:

Umpire to be selected by Resident Judge of Superior Court.

58-178.1. Judge to select umpire. The resident judge of the superior court of the district in which the property insured is located is designated as the judge of the court of record to select the umpire referred to in the standard form of policy.

(19) Repeal Section fifty-eight - one hundred and seventy-nine.

(20) Insert a new section as follows:

Policy issued to either husband or wife will cover property, in which they share ownership.

58-180.1. Policy issued to husband or wife on joint property. Any policy of fire insurance issued to husband or wife, on buildings and household furniture owned by the husband and wife, either by entirety, in common, or jointly, either name of one of the parties in interest named as the insured or beneficiary therein, shall be sufficient and the policy shall not be void for failure to disclose the interest of the other, unless it appears that in the procuring of the issuance of such policy, fraudulent means or methods were used by the insured or owner thereof.

(21) Repeal Section fifty-eight - one hundred and eighty-one.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Constitutionality.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

SEC. 4. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 6th day of March, 1945.

S. B. 106 **CHAPTER 379**

AN ACT TO AMEND CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO LIFE INSURANCE.

The General Assembly of North Carolina do enact:

Amending life insurance laws.

SECTION 1. Chapter fifty-eight of the General Statutes of North Carolina is hereby amended as follows:

(1) Repeal Section fifty-eight - one hundred and ninety-five and insert in lieu thereof the following:

Policies must state amount of benefits, manner of payment, premium and any other provisions that the Commissioner might require.

58-195. Definitions; Requisites of Contract. All corporations or associations doing business in this State, under any charter or statute of this or any other state, involving the payment of money or other thing of value to families or representatives of policy and certificate holders or members, conditioned upon the continuance or cessation of human life, or involving an insurance, guaranty, contract, or pledge for the payment of endowments or annuities, or who employ agents to solicit such business, are life insurance companies, in all respects subject to the laws herein made and provided for the government of life insurance companies, and shall not make any such insurance, guaranty, contract, or pledge in this State with any citizen, or resident thereof, which does not distinctly state the amount of

benefits payable, the manner of payment, the consideration therefor and such other provisions as the commissioner may require.

(2) Insert a new section as follows:

Defining industrial life insurance.

58-195.1. Industrial Life Insurance defined. Industrial life insurance is hereby declared to be that form of life insurance, either (1) under which premiums are payable weekly, or (2) under which the premiums are payable monthly or oftener, if the face amount of insurance provided in the policy is less than one thousand dollars, and the words "industrial policy" are printed upon the policy as a part of the descriptive matter.

(3) Transfer Section fifty-eight - one hundred and ninety-six so that it will appear as Section fifty-eight - one hundred and fifty-one point one.

(4) Repeal Section fifty-eight - two hundred.

(5) Repeal Section fifty-eight - two hundred and one and insert in lieu thereof the following:

Calculation of reserve fund of domestic companies.

58-201. Reserve Fund of Domestic Companies to be Calculated. The valuation of the reserves on the policies and bonds of every life insurance company incorporated by the laws of this State shall be based upon any recognized standard of valuation and mortality table as the commissioner should deem best for the security of the business and the safety of the persons insured. The commissioner shall annually value or cause to be valued the reserves on all policies and annuities of each domestic company and may accept the valuation of such reserves made by the company upon such evidence of its correctness as he may require. Upon this valuation being made by the commissioner and a certificate thereof furnished by him, each company shall pay to such officer, to defray the expenses thereof, the sum of one cent for every thousand dollars of the whole amount insured by its policies so valued. The reserve fund hereinbefore provided for shall not be available for or used for any other purpose than the discharge of policy obligations, but is a trust fund to be held and expended only for the benefit of policyholders. In case of the insolvency of the company, the reserve on outstanding policies may, with the consent of the commissioner, be used for the reinsurance of its policies to the extent of their pro rata part thereof.

(6) Insert a new section as follows:

58-201.1. Standard Valuation Law. 1. This section shall be known as the standard valuation law.

Standard valuation law.

2. The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurance company doing busi-

ness in this State, and may certify the amount of such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or other) used in the calculation of such reserves. Group methods and approximate averages for fractions of a year or otherwise may be used in calculating such reserves and the valuation made by the company may be accepted by the commissioner upon such evidence of its correctness as the commissioner may require. In lieu of the valuation of the reserves herein required of any foreign or alien company, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.

3. The minimum standard for the valuation of all such policies and contracts issued prior to the operative date of Section fifty-eight - two hundred and one point two shall be that provided by the laws in effect immediately prior to such date. The minimum standard for the valuation of all such policies and contracts issued on or after the operative date of Section fifty-eight - two hundred and one point two shall be the commissioners' reserve valuation method defined in Subsection four, three and one half per cent (3½%) interest, and the following tables:

Ordinary life policies.

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies - the Commissioners One Thousand Nine Hundred and Forty-One Standard Ordinary Mortality Table.

Industrial life.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the One Thousand Nine Hundred and Forty-One Standard Industrial Mortality Table.

Annuity and endowment.

(c) For annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the One Thousand Nine Hundred and Thirty-Seven Standard Annuity Mortality Table.

Total and permanent disability.

(d) For total and permanent disability benefits in or supplementary to ordinary policies or contracts - Class (3) Disability Table (one thousand nine hundred and twenty-six) which, for active lives, shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(e) For accidental death benefits in or supplementary to policies - the Inter-Company Double Indemnity Mortality Table combined with a mortality table permitted for calculating the reserves for life insurance policies. Accidental death.

(f) For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the commissioner. Group life.

4. Reserves according to the commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (a) over (b), as follows: Certain reserves.

(a) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; *provided, however,* that such net level annual premium shall not exceed the net level annual premium on the nineteen year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(b) A net one year term premium for such benefits provided for in the first policy year.

Reserves according to the Commissioners' Reserve Valuation Method for (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) annunity and pure endowment contracts, (3) disability and accidental death benefits in all policies and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of this section.

5. In no event shall a company's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of Section fifty-eight - two hundred and one point two, be less than the aggregate reserves calculated in accordance with the method set forth in Subsection four and the mortality table or tables and Minimum reserves.

rate or rates of interest used in calculating nonforfeiture benefits for such policies.

6. Reserves for all policies and contracts issued prior to the operative date of Section fifty-eight - two hundred and one point two may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

Reserves for any category of policies, contracts or benefits as established by the commissioner, issued on or after the operative date of Section fifty-eight - two hundred and one point two, may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein. *Provided, however,* that reserves for participating life insurance policies issued on or after the operative date of Section fifty-eight - two hundred and one point two may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one half per cent (½%) the company issuing such policies shall file with the commissioner a plan providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the commissioner shall approve.

Any such company which at any time shall have adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

7. If the gross premium charged by any life insurance company on any policy or contract is less than the net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium paying period.

(7) Insert a new section as follows:

58-201.2. Standard Nonforfeiture Provisions. 1. This section shall be known as the Standard Nonforfeiture Law. Standard Nonforfeiture Provisions.

2. In the case of policies issued on or after the operative date of this section, as defined in Subsection (eight), no policy of life insurance, except as stated in Subsection (seven), shall be issued or delivered in this State unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder.

(a) That, in the event of default in any premium payment after premiums have been paid for at least one full year in the case of ordinary insurance or three full years in the case of industrial insurance, the company will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(b) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the company will pay, in lieu of any paid up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(c) That a specified paid up nonforfeiture benefit shall become effective as specied in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default. Nothing herein shall prevent the use of an automatic premium loan provision.

(d) That, if the policy shall have become paid up by completion of all premium payments or if it is continued under any paid up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the company will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(e) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or

during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid up additions credited to the policy and that there is no indebtedness to the company on the policy.

(f) A brief and general statement of the method to be used in calculating the cash surrender value and the paid up nonforfeiture benefit available under the policy on any policy anniversary with an explanation of the manner in which the cash surrender values and the paid up nonforfeiture benefits are altered by the existence of any paid up additions credited to the policy or any indebtedness to the company on the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The company shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

Cash surrender value.

3. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by Subsection two, shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, including any existing paid up additions, if there had been no default, over the sum of (a) the then present value of the adjusted premiums as defined in Subsection five, corresponding to premiums which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the company on the policy. Any cash surrender value available within thirty days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid up nonforfeiture benefit, whether or not required by Subsection two, shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid up additions, decreased by any indebtedness to the company on the policy.

Paid-up insurance.

4. Any paid up nonforfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, at least equal to that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

Certain adjusted premiums.

5. The adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for such policy year that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) two per cent of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) forty per cent of the adjusted premium for the first policy year; (iv) twenty-five per cent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less. *Provided, however,* that in applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed four per cent (4%) of the amount of insurance or level amount equivalent thereto. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent level amount thereof for the purpose of this section shall be deemed to be the level amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the inception of the insurance as the benefits under the policy.

All adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners' One Thousand Nine Hundred and Forty-One Standard Ordinary Mortality Table for ordinary insurance and the one thousand nine hundred and forty-one Standard Industrial Mortality Table for industrial insurance and the rate of interest, not exceeding three and one half per cent (3½%) per annum, specified in the policy for calculating cash surrender values and paid up nonforfeiture benefits. *Provided, however,* that in calculating the present value of any paid up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty per cent (130%) of the rates of mortality according to such applicable table. *Provided, further,* that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

6. Any cash surrender value and any paid up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in Subsections three, four and five may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid up additions, other than paid up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of Subsection three, additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as decreasing term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, and (e) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid up nonforfeiture benefits.

7. The provisions of this section shall not apply to any industrial sick benefit insurance as defined in this chapter, nor to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of twenty years or less, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in Subsection five, is less than the adjusted premium so calculated, on such twenty year term policy issued at the same age and for the same initial amount of insurance, nor to any policy which shall be delivered outside this State through an agent or other representative of the company issuing the policy.

8. After the effective date of this Act, any company may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January first, one thousand nine hundred and fifty. After the filing of such notice then upon such specified date (which shall be the operative date for such company) this section shall become operative with respect to the policies thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be January first, one thousand nine hundred and fifty.

(8) Amend Section fifty-eight - two hundred and two as follows:

(a) Strike out in the caption the word "risks" and insert in lieu thereof the word "companies."

(b) Strike out the first sentence beginning in line one with the word "No" and ending in line five with the word "risk."

(9) Repeal Section fifty-eight - two hundred and three.

(10) Insert a new section as follows:

Minors of 15 years or more may enter annuity contracts.

58-205.1. Minors may enter into insurance or annuity contracts and have full rights, powers and privileges thereunder. That all minors in North Carolina of the age of fifteen years and upwards shall have full power and authority to make contracts of insurance or annuity with any life insurance company authorized to do business in the State of North Carolina, either domestic or foreign, and to exercise all the powers, rights, and privileges of ownership conferred upon them under the terms of any and all such contracts applied for or issued to them, and with full power to surrender, assign, modify, pledge, or change such contracts, and to receive any dividends thereon and generally to have the full power and authority in the premises that persons twenty-one years and upwards could and would have relative to any and all such contracts.

(11) Amend Section fifty-eight - two hundred and seven as follows:

(a) Strike out the words "and not issued upon the payment of monthly or weekly premiums, or unless the same is a term insurance contract for one year or less" in lines six, seven and eight, and insert in lieu thereof the following: except policies on which premiums are payable monthly or at shorter intervals and except group insurance contracts and term insurance contracts for one year or less.

(b) Strike out the words "or the assignee of the policy, if notice" in line twenty-one and insert in lieu thereof the following: or to the assignee or owner of the policy, or to the person designated in writing by such insured, assignee or owner, if notice.

(c) Remove the last paragraph beginning in line sixty-three with the words "No insurance company" and insert said paragraph as a new section to be designated "58-260.1. Notice of nonpayment of premium required before forfeiture."

(12) Amend Section fifty-eight - two hundred and nine by striking out the last sentence beginning in line six with the word "In" and insert in lieu thereof the following: No payments shall be made to policyholders by way of dividends unless the company possesses admitted assets in the amount of such payments in excess of its capital and/or minimum required surplus and all other liabilities.

(13) Repeal Section fifty-eight - two hundred and fourteen and insert in lieu thereof the following:

Companies make deposits with Commissioner to secure policies issued in this State.

58-214. Deposits to Secure Registered Policies. Any life insurance company, incorporated under the laws of this State, may deposit with the commissioner securities of the kind authorized for the investment of the funds of life insurance companies, which shall be legally transferred by it to him as commissioner and his successors for the common benefit of all the holders of its "registered" policies and annuity bonds issued under the provisions of this article; and these securities shall be held by him and his successors in office in trust for the purposes and objects specified herein.

All securities offered to the commissioner for deposit under this section shall be received and held pursuant to regulations promulgated by the commissioner.

(14) Repeal Section fifty-eight - two hundred and fifteen and insert in lieu thereof the following:

Commissioner may require additional deposits.

58-215. Additional Deposits May be Required. Each company which has made deposits herein provided for shall make additional deposits from time to time, as the commissioner of insurance prescribes, in amounts of not less than five thousand dollars and of such securities as are described in the preceding section, so that the admitted value of the securities deposited shall equal the net value of the registered policies and annuity bonds issued by the company, less such liens not exceeding such value as the company has against it. The commissioner shall annually value or cause to be valued such policies and shall prepare an estimate based upon probable changes in the minimum amounts to be kept on deposit for each month of the ensuing year.

(15) Repeal Section fifty-eight - two hundred and seventeen.

(16) Amend Section fifty-eight - two hundred and eighteen as follows:

(a) In line four strike out the word "hereafter."

(b) In lines sixteen, seventeen, eighteen and nineteen strike out the language beginning with the words "it shall be" and ending with the word "cases," and insert in lieu thereof the language "the commissioner may suspend its license to do business until such deposit be made."

(17) Repeal Section fifty-eight - two hundred and twenty.

(18) Repeal Section fifty-eight - two hundred and twenty-one.

(19) Amend Section fifty-eight - two hundred and twenty-three by changing the semi-colon in line twelve to a period and by striking out the words "for each certificate, including seal, for nonregistered policies issued in accordance with the provisions of this article, the fee shall be twenty-five cents."

(20) Insert a new section as follows:

58-223.1. Registration of Policies. After January first, one thousand nine hundred and forty-seven, the commissioner shall not register any new policies that are issued by any company, nor accept any deposits covering reserves on business thereafter written.

(21) Repeal Article thirty-one containing Sections fifty-eight - three hundred and sixteen to fifty-eight - three hundred and forty inclusive.

SEC. 1½. This Act shall not apply to common carriers having relief departments, pension or annuity plans, or other organizations or associations for the benefit of their employees or former employees; or to associations of such common carriers administering such departments, plans or organizations.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable. Constitutionality.

SEC. 4. This Act shall be in full force and effect from and after its ratifications.

Ratified this the 6th day of March, 1945.

S. B. 107 CHAPTER 380

AN ACT TO AMEND CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO CREATE A FIRE INSURANCE RATING BUREAU AND TO PROVIDE FOR THE REGULATION OF CASUALTY AND MISCELLANEOUS INSURANCE RATES.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter fifty-eight of the General Statutes of North Carolina is hereby amended as follows:

(1) Repeal Article 13 and insert in lieu thereof the following:

Article 13. Fire Insurance Rating Bureau.

Creation of North Carolina Fire Insurance Rating Bureau.

58-125. North Carolina Fire Insurance Rating Bureau Created. There is hereby created a bureau to be known as the "North Carolina Fire Insurance Rating Bureau."

Enumeration of risks included herein.

58-126. Scope of Article. The provisions of this Article shall apply to insurance against loss to property located in this State, or to any valuable interest therein, by fire, lightning, windstorm, explosion, theft of or physical damage to motor vehicles, and all other kinds of insurance which fire insurance companies are authorized to write in this State except (a) marine; (b) transportation risks and such kinds of insurance as are designated by the commissioner as inland marine insurance; (c) aircraft risks; (d) rolling stock of railroad corporations and property of interstate common carriers used or employed by them in their business of carrying freight, merchandise or passengers in interstate commerce; (e) reinsurance.

Procedure in creating Rating Bureau.

58-127. Rating Bureau. Under the supervision of the Commissioner of Insurance who shall call a meeting for that purpose and within six months after the effective date of this Act, insurance companies authorized to effect insurance in this State against the risk of loss by perils within the scope of this Act, shall organize a rating bureau for the purpose of making rates and rules and regulations which affect or determine the price which policyholders shall pay for insurance covered by this article, on property or risks located in this State; and all companies now or hereafter authorized to transact such business in this State shall become members of such bureau.

Member companies control Bureau.

The government of the rating bureau shall be vested in its members, and it shall not be subject to the direction or control of any other bureau, association, corporation, company, individual or group of individuals. Each member shall have one vote.

Governing Board.

The governing board, executive committee or other governing body of the rating bureau shall be provided for in the bylaws which shall provide also that at least one member of such governing body shall be an official of a domestic company and shall be a bona fide resident of the State of North Carolina.

Adoption of constitution and by-laws.

The rating bureau shall have power to adopt a constitution and bylaws for its government and to adopt reasonable rules and regulations necessary to carry out its functions, but such constitution, bylaws, rules and regulations shall not be inconsistent with the provisions of this article, and together with any amendments thereto shall be approved by the commissioner before becoming effective. No such constitution, bylaws, rules and regulations shall discriminate against any type of insurer because of its plan of operation or otherwise, nor shall any insurer be pre-

vented from returning any unused or unabsorbed premium deposit, savings or earnings to its policyholders or subscribers.

Bureau can purchase services.

The rating bureau shall be empowered to subscribe for or purchase any necessary service. Subject to the approval of the commissioner it shall apportion the expenses of its operation among its members equitably in proportion to services rendered by the bureau; *provided, however,* the bureau may fix a minimum annual charge to be paid by each member, not exceeding fifty dollars, and a reasonable admission fee, not exceeding fifty dollars.

Apportionment of expenses among members.

Principal office to be in Raleigh.

The principal office of the bureau shall be located in the City of Raleigh, North Carolina, where all records shall be kept and all business of the bureau transacted; *provided* that with the approval of the commissioner branch offices of the bureau may be established within the State. The bureau shall furnish without discrimination its service to its members, and any rating schedule, forms or plans of operation which have been approved by the commissioner and filed with the rating bureau shall be available for inspection at any reasonable time by all members of said bureau.

Members can appeal decisions to Commissioner.

Any member of the rating bureau may appeal to the commissioner from any decision of such bureau and the commissioner shall, after a hearing held on not less than ten days' written notice to the appellant and to the bureau, issue an order approving the decision of the bureau or directing it to give further consideration to such proposal. In the event the bureau fails to take satisfactory action, the commissioner shall make such order as he may see fit.

Commissioner can inspect records of Bureau.

58-128. Power to Secure Information. The commissioner, his deputy, or duly authorized examiner is authorized and empowered at all reasonable times and on reasonable notice to examine all records of the said rating bureau covering its operations including its constitution, bylaws, rating schedules, rules, regulations and amendments thereto.

Bureau must furnish rate information to assureds.

58-129. Rate Information. Every risk specifically rated in this State shall be rated upon schedule after inspection and a survey of such risk shall be made and filed in the rating bureau office. A copy of such survey shall be furnished upon request to the insured or his duly authorized representative without charge.

Companies must file statistical reports.

58-130. Statistical Reports. Every insurer shall file annually with the rating bureau or at its option, with a common agency approved by the commissioner and representative of either stock or nonstock insurers, its underwriting experience in this State in accordance with classifications approved by the commissioner. The experience filed with the common agency selected shall be

consolidated by such agency and a copy of the consolidated result shall be filed with the rating bureau; provided such insurers shall, if directed by the commissioner, file their individual underwriting experience with such rating bureau. Such data shall be kept and reports made in such manner and on such forms as may be prescribed by the commissioner.

Prohibits discriminating rates.

58-131. Reasonableness of Rates. The rating bureau in making rates shall not unfairly discriminate between risks involving essentially the same construction and hazards, and having substantially the same degree of protection.

Rates must be approved by Commissioner.

58-131.1. Approval of Rates. No rating method, schedule, classification, underwriting rule, bylaw, or regulation shall becombe effective or be applied by the rating bureau until it shall have been first submitted to and approved by the commissioner. *Provided*, that a rate or premium used or charged in accordance with a schedule, classification, or rating method or underwriting rule or bylaw or regulation previously approved by the commissioner need not be specifically approved by the commissioner. Every rating method, schedule, classification, underwriting rule, bylaw or regulation submitted to the commissioner for approval shall be deemed approved, if not disapproved by him in writing within sixty days (60) days after submission.

Commissioner can order reduction of excessive rates.

58-131.2. Reduction or Increase of Rates. The commissioner is hereby empowered to investigate at any time the necessity for a reduction or increase in rates. If upon such investigation it appears that the rates charged are producing a profit in excess of what is fair and reasonable he shall order such reduction of rates as will produce a fair and reasonable profit only.

Increasing inadequate rates.

If upon such investigation it appears that the rates charged are inadequate and are not producing a profit which is fair and reasonable, he shall order such increase of rates as will produce a fair and reasonable profit.

Factors to be considering adjustment of rates.

In determining the necessity for an adjustment of rates, the commissioner shall give consideration to all reasonable and related factors, to the conflagration and catastrophe hazard, both within and without the State, to the past and prospective loss experience, including the loss trend at the time the investigation is being made, and in the case of fire insurance rates, to the experience of the fire insurance business during a period of not less than five years next preceding the year in which the review is made.

Effective date of adjusted rates.

Any reduction or increase of rates ordered by the commissioner shall be applied by the rating bureau subject to his approval within sixty (60) days and shall become effective solely to such insurance as is written having an inception date on and after the date of such approval.

Whenever the commissioner finds, after notice and hearing, that the bureau's application of an approved rating method, schedule, classification, underwriting rule, bylaw or regulation is unwarranted, unreasonable, improper or unfairly discriminatory he shall order the bureau to revise or alter the application of such rating method, schedule, classification, underwriting rule, bylaw or regulation in the manner and to the extent set out in the order.

Commissioner can order alteration of methods and procedures of Bureau.

58-131.3. Deviations. No insurer, officer, agent or representative thereof shall knowingly issue or deliver or knowingly permit the issuance or delivery of any policy of insurance in this State which does not conform to the rates, rating plans, classifications, schedules, rules and standards made and filed by the rating bureau. However, an insurer may deviate from the rates promulgated by the rating bureau provided the insurer has filed the deviation to be applied both with the rating bureau and the commissioner, and provided the said deviation is uniform in its application to all risks in the state of the class to which such deviation is to apply; and provided such deviation is approved by the commissioner as being reasonable under all the circumstances. If approved the deviation shall remain in force for a period of one year from the date of approval by the commissioner. Such deviation may be renewed annually subject to all of the foregoing provisions. A rate in excess of that promulgated by the rating bureau may be charged on any specific risk provided such higher rate is charged with the knowledge and written consent of both the insured and the commissioner.

Prohibition of deviation from standard rates, except in certain instances.

58-131.4. Pools, Groups or Associations. Any insurer individually or as a member of a pool, group, or association engaged in the business of insuring special types or classes of risks in connection with which a particular inspection or engineering service and set of standards has been maintained to the satisfaction of the commissioner, and with respect only to such types or classes of risks, shall submit loss experience data to the commissioner for approval of its schedule of rates or deposits, forms and plans of operation either directly in its own behalf or through a unified facility of the group created and licensed by the commissioner for that purpose and maintained entirely or in part for such a purpose. In evaluating the forms, schedule of rates or deposits and plan of operation of such an insurer or pool or association of insurers the commissioner shall act with due regard for the previous record of such insurer or group of insurers, and with due appreciation of previous and prospective loss trends in this State and outside of this State, and to any other factors reasonably related to the classes or types of insurance written by such insurer or group of insurers. When so approved such forms, schedule of rates or deposits and plan of operation shall be filed with the bureau.

Procedure for certain pools or groups.

Nothing contained in this section shall be construed as exempting any insurer, pool, group or association of insurers from all other provisions of this article and the provisions of Article 13 B with respect to licensing.

Commissioner must have hearing on proposed changes, with notice to Bureau and other interested parties.

58-131.5. Hearing. The commissioner shall not make any rule, regulation or order under the provisions of this article without giving the rating bureau and insurers who may be affected thereby reasonable notice and a hearing if hearing is requested. All hearings provided for in this article shall be held at such time and place as shall be designated in a notice which shall be given by the commissioner in writing to the rating bureau and insurer or the officers and agents and representatives thereof which may be affected thereby, at least thirty (30) days before the date designated therein. The notice shall state the subject of the inquiry.

Procedure after hearings.

At the conclusion of such hearing, or within thirty (30) days thereafter, the commissioner shall make such order or orders as he may deem necessary in accordance with his finding. Within thirty (30) days after receiving written notice of any such order or finding any person affected thereby may request a rehearing or review thereof before the commissioner by filing a written request setting forth a summary of the reasons therefor. Upon receipt of such request, the commissioner shall set a date for rehearing. Such application for rehearing shall act as a stay of the provisions of such order. The commissioner may modify, change or rescind such order if he finds that the facts shown at the rehearing warrant such modification, change or rescission.

Procedure at hearings.

In the conduct of such hearing the commissioner, his deputy or the duly authorized examiner specifically designated by him for such purpose shall have power to administer oaths and to examine any person under oath and in connection therewith to require the production of any books, records, or papers relative to the inquiry.

Commissioner can revoke licenses for violations.

58-131.6. Revocation or Suspension of License. If the commissioner shall find, after due notice and hearing that any insurer, officer, agent or representative thereof has violated any of the provisions of this article, he may issue an order revoking or suspending the license of any such insurer, agent, broker or representative thereof.

Violation constitutes misdemeanor.

58-131.7. Penalties. Any insurer, officer, agent or representative thereof failing to comply with, or otherwise violating any of the provisions of this article, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars.

58-131.8. Review of Order of Commissioner. A review of any order made by the commissioner in accordance with the provisions of this article, shall be by appeal to the Superior Court of Wake County in accordance with the provisions of Section fifty-eight - nine point three of the General Statutes.

Decisions of Commissioner can be appealed to Superior Court.

58-131.9. Limitation. Nothing in this article shall apply to any town or county farmers mutual fire insurance association restricting their operations to not more than three (3) adjacent counties, or to domestic insurance companies, associations, orders or fraternal benefit societies now doing business in this State on the assessment plan.

Does not apply to certain companies.

(2) Insert a new article to be numbered 13 A as follows:

Article 13 A. Casualty Insurance Rating Regulations.

58-131.10. Scope of Article. Every insurer authorized to do the business of casualty insurance in this State, including fidelity and surety business, shall be either a member or a subscriber of a rating bureau licensed under this article by the commissioner or shall for itself make its own rates. No insurer shall be a member of more than one rating bureau for the purpose of rating the same risk. A rating bureau may be a person or persons, corporation, partnership, company, society or association, domestic or foreign, which makes rates for casualty insurance.

Rating regulations for casualty companies.

58-131.11. License. No rating bureau shall do business or furnish its services for use in this State until it shall have been licensed by the commissioner and has designated a resident of North Carolina as its agent for service of notices and orders. Application for license shall be accompanied by a fee as prescribed in the Revenue Act and shall be in the form the commissioner shall prescribe and shall include the name and address of the applicant; a copy of its constitution, its articles of agreement or association or incorporation, its bylaws or rules governing its business, or such of the foregoing, if any, as the bureau may have; a list of insurers licensed to do business in North Carolina who are or who have agreed to become members or subscribers; the names and addresses of all officers and managers; and such other information as the commissioner may require. If the commissioner finds that the applicant has complied with the provisions of this article, he shall issue to it a license authorizing it to engage in rate making or the furnishing of its services for use in this State. Licenses shall remain in effect until suspended or revoked in the manner prescribed in this article. The license of every rating bureau doing businss or furnishing its services for use in this State on the effective date of this Act may continue in force, subject to the provisions of this article, pending its application for license hereunder, which application shall be made within six months after the effective date of this Act.

Rating Bureau must be licensed by Commissioner.

Procedure in licensing Rating Bureaus.

Organization, operation and regulation of Rating Bureaus.

58-131.12. Organization. The government of a rating bureau shall be vested in its members, or, in the case of a corporation, in its board of directors, and it shall not be subject to the direction or control of any other bureau, association, corporation, company, individual or group of individuals. The bureau shall have power to establish reasonable agreements and bylaws for its government, and to adopt reasonable rules and regulations necessary to carry out its functions; such reasonable agreements, bylaws, rules and regulations shall not be inconsistent with the provisions of this article and shall be first approved by the commissioner. All amendments to such agreements, bylaws, rules and regulations shall before becoming effective, be submitted to and approved by the commissioner. No such agreements, bylaws, rules and regulations shall discrimnate against any type of insurer because of its plan of operation or otherwise nor shall any insurer be prevented from returning any unused or unabsorbed premium, deposit, savings or earnings to its policyholders or subscribers. Every such rating bureau shall furnish its services without discrimination to any licensed insurer applying therefor. Any insurer admitted to membership or furnished service as a subscriber shall pay its reasonable share of the expense of operation of such bureau and shall observe all reasonable rules and regulations of the bureau.

Every rating bureau or insurer which makes its own rates shall, within ten days after written request therefor, and upon payment of such reasonable charges as may be approved by the commissioner, furnish to any person affected by any rate made by it, or to the authorized representative of such person, full information regarding such rate, including the schedule or schedules, if any, pursuant to which such rate was made. Every rating bureau, and every insurer which makes its own rates, shall provide reasonable means within this State, to be approved by the commissioner, whereby any person or persons affected by a rate made by it may be heard.

Any member or subscriber of a rating bureau may appeal to the commissioner from any decision of such bureau and the commissioner shall, after a hearing held on not less than ten days' written notice to the appellant and to the bureau, issue an order approving the decision of the bureau or directing it to give further consideration to such proposal. In the event the bureau fails to take satisfactory action, the commissioner shall make such order as he may see fit.

Rates must be filed with Commissioner and subject to his approval.

58-131.13. Filing of Rates; Approval. Every rating bureau or insurer which makes its own rates shall file with the commissioner every rate manual, classification of risks, rating plan, rating schedule, and every other rating rule which is made or used by it, and upon his request, all other information concerning the application and calculation of rates made or used by it. No rate,

rate manual, classification of risks, rating plan, rating schedule, or other rating rule shall be effective until approved by the commissioner. The commissioner shall not approve any rate, rate manual, classification of risks, rating plan, rating schedule or other rating rule which is excessive, inadequate, unreasonable or unfairly discriminatory.

Insurance companies must file statistical reports.

58-131.14. Statistical Reports. Every insurer shall annually on or before October first, file with the rating bureau of which it is a member or subscriber, or with such other agency as the Commissioner of Insurance may approve or designate, a statistical report showing a classification schedule of its premiums and losses on all classes of insurance to which this article is applicable, and such other information as the commissioner may deem necessary or expedient for the administration of the provisions of this article.

Procedure in deviation from standard rates.

58-131.15. Deviation. Any insurer may make written request to the commissioner for approval of a deviation from a filing approved by him and made by a rating organization of which it is a member or subscriber. The basis for the deviation shall be specified in the request. The commissioner shall hear the insurer and the rating organization and shall give them reasonable notice of the time and place of the hearing. The commissioner shall approve a deviation if he finds it to be justified. He shall not approve a deviation if he finds that the resulting rates would be unreasonable, inadequate or unfairly discriminatory.

Prohibits discrimination in rates.

58-131.16. Discrimination; Revision of Rates. Whenever the commissioner finds, after notice and hearing, that discrimination exists in the making or application of rates made or used by any rating bureau or insurer, he may order that such discrimination be removed. Such discrimination shall not be removed by increasing the rate on any risk affected by the order unless such increase is approved by the commissioner as reasonable. Before making such order the commissioner shall give notice to the bureau or insurer which made such rate or rates and to all other persons whom he may deem directly affected thereby. Every bureau receiving any such notice shall promptly notify all of its members or subscribers who would be affected by such order and notice to such rating organization shall be deemed notice to such members or subscribers.

Adjustment of rates.

Whenever the commissioner shall determine, after notice and a hearing, that the rates charged or filed on any class of risks are excessive, inadequate, unreasonable or unfairly discriminatory, he shall issue an order to the rating bureau or insurer making such rates, directing that such rates be altered or revised in the manner and to the extent stated in such order to

produce rates which are reasonable, adequate and not unfairly discriminatory.

Whenever the commissioner finds, after notice and hearing, that a bureau or insurer's application of an approved classification, rating plan, rating schedule or other rating rule is unwarranted, unreasonable, improper or unfairly discriminatory he shall order the bureau or insurer to revise or alter the application of such classification, rating plan, rating schedule, or other rating rule in the manner and to the extent set out in the order.

Procedure in changing rates.

58-131.17. Filing Rate Amendments. Every rating bureau or insurer which makes its own rates may, from time to time, alter, supplement or amend its rates, rate manuals, schedules of rates, classifications of risks, rating plans and every other rating rule, or any part thereof, by filing with the commissioner copies of such alteration, or amendment, together with a statement of the reason or reasons therefor, none of which shall take effect until approved by the commissioner.

58-131.18. Restriction on Use of Rates. No insurer subject to this article shall enter into any agreement for the purpose of making or establishing rates except in accordance with the provisions hereof. No member or subscriber of any rating bureau or insurer shall charge or receive any rate which deviates from the rates, rating plans, classifications, schedules, rules and standards made and filed by such rating bureau or insurer except as provided in this article. No insurer and no agent or other representative of any insurer and no insurance broker shall knowingly charge, demand or receive a rate or premium which deviates from the rates, rating plans, classifications, schedules, rules and standards, made and last filed by or on behalf of the insurer, or issue or make any policy or contract involving a violation of such rate filings. A rate in excess of that promulgated by the rating bureau or filed by a company on its own behalf may be charged on any specific risk provided such higher rate is charged with the knowledge and written consent of both the insured and the commissioner.

Commissioner can inspect records of Rating Bureaus.

58-131.19. Examinations. The commissioner may, whenever he deems it expedient, but shall at least once in every five years, make or cause to be made an examination of the business, affairs and method of operation of every rating bureau doing business or furnishing its services for use in this State. The reasonable costs of such examination shall be determined and fixed by the commissioner and shall be paid by the rating bureau examined upon presentation to it of a detailed account of such cost. The commissioner may, in his discretion, waive such examination upon proof that such rating bureau has, within a reasonable recent period, been examined by a public official or department of another state, pursuant to the laws of such state, and upon

the filing with the commissioner of a copy of the report of such examination. The officers, managers, agents, and employees of such rating bureau shall exhibit all its books, records, documents or agreements governing its method of operation, its rating system, and its accounts for the purpose of such examination. The commissioner may, for the purpose of facilitating and furthering such examination, examine under oath the officers, managers, agents and employees of such rating bureau.

Prohibits false information.

58-131.20. False Information. No person shall give false or misleading information to any rating bureau of which it is a member or subscriber, to the commissioner or to any person, which will in any manner affect the proper determination of reasonable, adequate and non-discriminatory rates.

Commissioner can suspend license of Rating Bureaus for violations.

58-131.21. Suspension of License - Hearing. Any rating bureau or insurer which violates any provision of this article shall be subject to suspension of its license. Failure of any rating bureau or insurer to comply with the provisions of any order of the commissioner within the time limited by such order, or any extension thereof as the commissioner may, in his discretion grant, shall, if no appeal has been taken from such order, automatically suspend its license. No order suspending a license shall be made by the commissioner except upon ten days' notice, specifying the particular violation. If such rating bureau or insurer shall make a request therefor in writing within the ten-day period, the commissioner shall name a time and place for a hearing, at which it shall be given opportunity to make its defense. At the conclusion of such hearing or within thirty days thereafter the commissioner shall make such order as in his judgment the evidence shall warrant. A suspension of license shall be effective until modified or rescinded by order of the commissioner upon proof that the violation of the provisions of this article no longer continues, or upon proof that the rating bureau or insurer has complied with the terms of any prior order made by the commissioner, or until the order of the commissioner upon which such suspension is based is reversed or modified upon an appeal therefrom.

Procedure.

Commissioner can revoke license of insurers for violations.

58-131.22. Revocation or Suspension of License. If the commissioner shall find, after due notice and hearing, that any insurer, officer, agent or representative thereof has violated any of the provisions of this article, he may issue an order revoking or suspending the license of any such insurer, agent, broker or representative thereof.

Violations constitute misdemeanor.

58-131.23. Penalties. Any insurer, officer, agent or representative thereof failing to comply with, or otherwise violating any of the provisions of this article, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00).

Order of Commissioner can be appealed to Superior Court of Wake County.

58-131.24. Review of Order of Commissioner. A review of any order made by the commissioner, in accordance with the provisions of this article, shall be by appeal to the Superior Court of Wake County in accordance with the provisions of Section fifty-eight - nine point three of the General Statutes.

Certain exceptions.

58-131.25. Exceptions. The provisions of this article shall not apply to any policy or contract of reinsurance; any policy of insurance against loss or damage to or legal liability in connection with property permanently located outside of this State, or any activity wholly carried on outside this State; insurance against loss of or damage to, or against liability arising out of the ownership, maintenance or use of any aircraft; marine insurance, inland marine insurance, automobile insurance, life, health or accident insurance, workmen's compensation insurance, title insurance, credit insurance, or annuities. The provisions of this article shall not apply to nonprofit hospital service or nonprofit medical service organizations, mutual benefit associations, or fraternal beneficiary associations.

(3) Insert a new article to be numbered 13 B as follows:

Article 13 B. Rate Regulation of Miscellaneous Lines.

Regulating rates for miscellaneous lines.

58-131.26. Information to be filed with commissioner. Every corporation, association, board, bureau or person maintaining a bureau or office for the purpose of suggesting, approving or making rates to be used by more than one underwriter for insurance on property or risks of any kind located in this State other than those regulated under the provisions of Article 2 of Chapter ninety-seven, Articles 13, 13 A and 25 of Chapter fifty-eight shall be licensed and shall file with the commissioner a copy of the articles of agreement, association or incorporation and the bylaws and all amendments thereto under which such person, association, or bureau operates or proposes to operate, together with his or its business address and a list of the members or insurers represented or to be represented by him or it, as well as such other information concerning such rating organization and its operations as may be required by the commissioner.

Procedure in fixing rates.

58-131.27. Examination by commissioner; reports. Every such person, corporation, association, or bureau, whether before or after the filing of the information specified in the preceding section, shall be subject to the visitation, supervision, and examination of the commissioner, who shall cause to be made an examination thereof as often as he deems it expedient, and at least once in three years, *provided,* the commissioner may accept in lieu of such examination a report of examination of such bureau made by any other state department of insurance. For such purpose he may appoint as examiners one or more competent persons, and upon such examination he, his deputy, or any examiner authorized by him shall have all the powers given

to the commissioner, his deputy, or any examiner authorized by him by law, including the power to examine under oath the officers and agents and all persons deemed to have material information regarding the business or manner of operation by every such person, corporation, association, bureau, or board. The expense of any such examination shall be borne by the party examined.

Companies must file rates and schedules.

58-131.28. Schedule of rates filed. Every such person, corporation, association, or bureau, as well as every insurance company doing business in the State, shall file with the commissioner any and every schedule of rates or such other information concerning such rates as may be suggested, approved, or made by any such rating organization for the purposes specified in Section fifty-eight - one hundred and thirty-one point twenty-six or by such company for its own use and such rates shall not become effective until and unless approved by him.

Forbidding certain practices.

58-131.29. Certain conditions forbidden; no discrimination. No such person, corporation, association, or bureau shall fix or make any rate or schedule of rates which is to or may apply to any risk within this State, on the condition that the whole amount of insurance on such risk or any specified part thereof shall be placed at such rates, or with the members of or subscribers to such rating organization; nor shall any such person, association, or corporation authorized to transact the business of insurance within this State, fix or make any rate or schedule of rates or charge a rate which discriminates unfairly between risks within this State of essentially the same hazard. Whenever it is made to appear to the satisfaction of the commissioner that such discrimination exists, he may, after a full hearing, either before himself or before any salaried employee of the insurance department whose report he may adopt, order such discrimination removed; and all such persons, corporations, associations, or bureaus affected thereby shall immediately comply therewith; nor shall such persons, corporations, associations, or bureaus remove such discrimination by increasing the rates on any risk or class of risks affected by such order unless it is made to appear to the satisfaction of the commissioner that such increase is justifiable.

Records of proceedings in fixing rates.

58-131.30. Record to be kept; hearing on rates. Every such rating organization shall keep a careful record of its proceedings and shall furnish upon demand to any person upon whose property or risk a rate has been made, or to his authorized agent, full information as to such rate, and if such property or risk be rated by schedule, a copy of such schedule; it shall also provide such means as may be approved by the commissioner whereby any person affected by such rate may be heard, either in person or by agent, before the governing or rating committee or other

proper executive of such rating organization on an application for a change in such rate.

Hearings before Commissioner in fixing rates.

58-131.31. Hearing on rates before the Commissioner. Any person, firm, or corporation aggrieved by any rating or classification assignment by such company, bureau, or board, may file a complaint in writing with the commissioner stating in detail the grounds upon which the complainant asks relief. The commissioner shall set a time, not earlier than seven days after the date of the notice, and a place for a hearing upon the complaint. After due hearing the commissioner shall make a finding as to whether the established rate or classification assignment made is excessive or unfair and shall make such orders as he deems advisable.

Any member or subscriber of a rating bureau may appeal to the commissioner from any decision of such bureau and the commissioner shall, after a hearing held on not less than ten days' written notice to the appellant and to the bureau, issue an order approving the decision of the bureau or directing it to give further consideration to such proposal. In the event the bureau fails to take satisfactory action, the commissioner shall make such order as he may see fit.

Orders of Commissioner can be appealed to Superior Court of Wake County.

58-131.32. Review of Order of Commissioner. A review of any order made by the commissioner in accordance with the provisions of this article shall be by appeal to the Superior Court of Wake County in accordance with the provisions of Section fifty-eight - nine point three of the General Statutes.

Certain policies excepted.

58-131.33. Certain Insurance Contracts Excepted. This article shall not apply to any contract of life insurance, accident and health insurance or annuities, to any contract of reinsurance, to contracts of insurance upon property or risks permanently located without this State, nor to kinds of insurance for which the commissioner finds in the practice of the industry there are no established rates.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Constitutionality.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions.

SEC. 4. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five, except that Articles 13 A and 13 B shall be in full force and effect from and after January first, one thousand nine hundred and forty-six.

Ratified this the 6th day of March, 1945.

S. B. 108 CHAPTER 381

AN ACT TO AMEND CHAPTER NINETY-SEVEN AND CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE REGULATION OF WORKMEN'S COMPENSATION AND AUTOMOBILE LIABILITY INSURANCE RATES.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter ninety-seven of the General Statutes of North Carolina is hereby amended as follows:

1. Amend Subsection (a) of Section ninety-seven - ninety-nine by adding at the end of the subsection a new sentence to read: No policy form shall be approved unless the same shall provide a thirty-day prior notice of an intention to cancel same by the carrier to the insured by registered mail. This shall not apply to the expiration date shown in the policy. The carrier may cancel the policy for nonpayment of premium on ten days written notice to the insured, and the insured may cancel the policy on ten days written notice by registered mail to the carrier.

Procedure in cancelling policies.

2. Insert a new subsection at the end of Section ninety-seven - one hundred and two to be designated "d" as follows:

The bureau shall provide reasonable means to be approved by the commissioner whereby any person affected by a rate made by it may be heard in person or by his authorized representative before the governing or rating committee or other proper executive of the bureau.

Hearings for persons whose rates have been changed.

3. Amend Section ninety-seven - one hundred and three by striking out all of that sentence beginning with the word "Before" in line twenty and ending with the word "department" in line twenty-six, and insert in lieu thereof the following words:

Upon receipt of the required premium at the office of the bureau during regular working hours the bureau shall instruct the designated carrier to issue its policy of insurance to become effective as of twelve one a. m. the following day, and the carrier shall be so bound; *provided,* that the carrier may request of the bureau a certificate of the Department of Labor that the insured is complying with the laws, rules and regulations of that department. That said certificate shall be furnished within thirty days by the Department of Labor, unless extension of time is granted by agreement between the bureau and the Department of Labor.

4. In Subsection (b) of Section ninety-seven - one hundred and three after the first sentence insert the following:

Prohibiting discrimination.

No such rules or regulations shall discriminate against any type of insurer because of its plan of operation, nor shall any insurer be prevented from returning any unused or unabsorbed premium, deposit, savings or earnings to its policyholders or subscribers.

5. Insert to immediately follow ninety-seven - one hundred and four the following new sections:

Commissioner can order adjustment of rates and modification of procedures.

97-104.1. Whenever the commissioner, upon his own motion or upon petition of any aggrieved party, shall determine, after notice and a hearing, that the rates charged or filed on any class of risks are excessive, inadequate, unreasonable, unfairly discriminatory, or otherwise not in the public interest, or that a classification or classification assignment is unwarranted, unreasonable, improper or unfairly discriminatory he shall issue an order to the bureau directing that such rates, classifications or classification assignments be altered or revised in the manner and to the extent stated in such order to produce rates, classifications or classification assignments which are reasonable, adequate, not unfairly discriminatory, and in the public interest.

General provisions.

97-104.2. No insurer subject to this Act shall enter into any agreement for the purpose of making or establishing rates except in accordance with the provisions hereof. No member of the bureau shall charge or receive any rate which deviates from the rates, rating plans, classifications, schedules, rules and standards made and filed by the bureau. No insurer and no agent or other representative of any insurer and no insurance broker shall knowingly charge, demand or receive a rate or premiums which deviates from the rates, rating plans, classifications, schedules, rules and standards, made and last filed by or on behalf of the insurer, or issue or make any policy or contract involving a violation of such rate filings.

Commissioner can revoke license for violations.

97-104.3. If the commissioner shall find, after due notice and hearing that any insurer, officer, agent or representative thereof has violated any of the provisions of this article, he may issue an order revoking or suspending the license of any such insurer, agent, broker or representative thereof.

Violation constitutes misdemeanor.

97-104.4. Any insurer, officer, agent or representative thereof failing to comply with, or otherwise violating any of the provisions of this article, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars.

Decisions of Commissioner can be appealed to Superior Court of Wake County.

97-104.5. A review of any order made by the commissioner in accordance with the provisions of this article, shall be by appeal to the Superior Court of Wake County in accordance with the provisions of Section fifty-eight - nine point three of the General Statutes.

97-104.6. Any member of the bureau may appeal to the commissioner from any decision of such bureau and the commissioner shall, after a hearing held on not less than ten days' written notice to the appellant and to the bureau, issue an order approving the decision of the bureau or directing it to give further consideration to such proposal. In the event the bureau fails to take satisfactory action, the commissioner shall make such order as he may see fit. Appeals from Bureau to Commissioner.

SEC. 2. Chapter fifty-eight of the General Statutes of North Carolina is hereby amended as follows:

(1) Insert a new subsection at the end of Section fifty-eight - two hundred and forty-six to be designated "c" as follows:

The bureau shall provide reasonable means to be approved by the commissioner whereby any person affected by a rate made by it may be heard in person or by his authorized representative before the governing or rating committee or other proper executive of the bureau. Hearings for persons whose rates are unfair.

(2) Insert to immediately following fifty-eight - two hundred and forty-eight the following new sections:

58-248.1. Whenever the commissioner, upon his own motion or upon petition of any aggrieved party, shall determine, after notice and a hearing, that the rates charged or filed on any class of risks are excessive, inadequate, unreasonable, unfairly discriminatory, or otherwise not in the public interest, or that a classification or classification assignment is unwarranted, unreasonable, improper or unfairly discriminatory he shall issue an order to the bureau directing that such rates, classifications or classification assignments be altered or revised in the manner and to the extent stated in such order to produce rates, classifications or classification assignments which are reasonable, adequate, not unfairly discriminatory, and in the public interest. Commissioner can adjust rates.

58-248.2. No insurer, officer, agent or representative thereof shall knowingly issue or deliver or knowingly permit the issuance or delivery of any policy of insurance in this State which does not conform to the rates, rating plans, classifications, schedules, rules and standards made and filed by the rating bureau. However, an insurer may deviate from the rates promulgated by the rating bureau provided the insurer has filed the deviation to be applied both with the rating bureau and the commissioner, and provided the said deviation is uniform in its application to all risks in the state of the class to which such deviation is to apply; and provided such deviation is approved by the commissioner. If approved the deviation shall remain in force for a period of one year from the date of approval by the commissioner. Such deviation may be renewed annually subject to all of the foregoing provisions. A rate in excess of that promul- Provisions regarding deviations.

gated by the rating bureau may be charged on any specific risk provided such higher rate is charged with the knowledge and written consent of both the insured and the commissioner.

Commissioner can revoke license for violations.

58-248.3. If the commissioner shall find, after due notice and hearing that any insurer, officer, agent or representative thereof has violated any of the provisions of this article, he may issue an order revoking or suspending the license of any such insurer, agent, broker or representative thereof.

Violation is misdemeanor.

58-248.4. Any insurer, officer, agent or representative thereof failing to comply with, or otherwise violating any of the provisions of this article, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars.

Orders of Commissioner can be appealed to Superior Court of Wake County.

58-248.5. A review of any order made by the commissioner in accordance with the provisions of this article, shall be by appeal to the Superior Court of Wake County in accordance with the provisions of Section fifty-eight - nine point three of the General Statutes.

Appeals from Bureau to Commissioner.

58-248.6. Any member of the bureau may appeal to the commissioner from any decision of such bureau and the commissioner shall, after a hearing held on not less than ten days' written notice to the appellant and to the bureau, issue an order approving the decision of the bureau or directing it to give further consideration to such proposal. In the event the bureau fails to take satisfactory action, the commissioner shall make such order as he may see fit.

(3) Insert at the end of the sentence in line four of Subsection (b) of Section fifty-eight - two hundred and forty-seven the following:

No discrimination.

No such rules and regulations shall discriminate against any type of insurer because of its plan of operation, nor shall any insurer be prevented from returning any unused or unabsorbed premium, deposit, savings or earnings to its policyholders or subscribers.

(4) Amend Section fifty-eight - two hundred and forty-six by striking out Subsection (a) and inserting in lieu thereof the following:

Automobile insurance.

(a) To maintain rules and regulations and fix rates for automobile bodily injury and property damage insurance and equitably adjust the same as far as practicable in accordance with the hazard of the different classes of risks as established by said bureau.

(5) Amend Section fifty-eight - two hundred and forty-seven by inserting the word "and" between the word "injury" and the word "property," and by striking out the words "and collision" in line five.

(6) Amend Subsection (b) of Section fifty-eight - two hundred and forty-seven by inserting the word "and" after the word "injury" in line nine, and by striking out the words "and collision" in line ten.

(7) Amend Section fifty-eight - two hundred and forty-eight by inserting the word "and" in lines fourteen and nineteen between the words "injury" and "property," and by striking out the words "and collision" in lines fifteen and twenty.

(8) Repeal Sections fifty-eight - two hundred and forty-two, fifty-eight - two hundred and forty-three, fifty-eight - two hundred and forty-five.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed. **Conflicting laws repealed.**

SEC. 4. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable. **Constitutionality.**

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

S. B. 109 CHAPTER 382

AN ACT TO AMEND CHAPTER FOURTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO EMBEZZLEMENT BY INSURANCE AGENTS.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter fourteen of the General Statutes of North Carolina is hereby amended as follows:

(1) Insert a new section as follows:

14-96.1. Report to commissioner. Whenever any insurance company, its manager, general agent or other representative knows or has reasonable cause to believe that any agent, broker or other representative of such company is guilty under the preceding section, it shall be the duty of such company, its manager, general agent or other representative, within thirty days after acquiring such knowledge to file with the commissioner a complete statement of all the relevant facts and circumstances. All **Companies must report to Commissioner within 30 days full facts regarding embezzlement by agents. Such reports are privileged communications.**

such reports shall be privileged communications, and when filed in good faith shall in nowise subject the company or individuals making the same to any liability whatsoever. The commissioner may suspend the license to do business in this State of any insurance company, its general manager, agent or other representative who willfully fails to comply with this section.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Constitutionality.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

S. B. 110 CHAPTER 383

AN ACT TO AMEND CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE ORGANIZATION OF THE DEPARTMENT OF INSURANCE.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter fifty-eight of the General Statutes of North Carolina is hereby amended as follows:

(1) Repeal Section fifty-eight - two and insert in lieu thereof the following:

Definitions.

58-2. Definitions. In this chapter, unless the context otherwise requires,

(a) "Commissioner" means Commissioner of Insurance of North Carolina.

(b) "Department" means Department of Insurance of North Carolina.

(c) "Company" or "Insurance Company" or "Insurer" shall be deemed to include any corporation, association, partnership, society, order, individual or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance business, including the exchanging of reciprocal or inter-insurance contracts between individuals, partnerships and corporations.

(d) "Domestic Company" means a company incorporated or organized under the laws of this State.

(e) "Foreign Company" means a company incorporated or organized under the laws of the United States or of any jurisdiction within the United States other than this State.

(f) "Alien Company" means a company incorporated or organized under the laws of any jurisdiction outside of the United States.

(g) "Person" includes an individual, aggregation of individuals, corporation, company, association and partnership.

(h) The singular form shall include the plural, and the masculine form shall include the feminine wherever appropriate.

(2) Amend Section fifty-eight - three by striking out in lines two and three the words "one party for a consideration promises" and inserting in lieu thereof the words "the insurer is bound," and by inserting in line five between the word "indemnity" and the word "for" the words "or reimbursement."

(3) Amend Section fifty-eight - six by inserting in line three between the word "thousand" and the word "dollars" the words "and six hundred."

(4) Insert the following new sections:

Commissioner appoints Chief Deputy Commissioner.

58-7.1. Chief Deputy Commissioner. The commissioner shall appoint and may remove at his discretion a chief deputy commissioner, who, in the event of the absence, death, resignation, disability or disqualification of the commissioner, or in case the office of commissioner shall for any reason become vacant, shall have and exercise all the powers and duties vested by law in the commissioner. He shall receive such compensation as fixed and provided by the Budget Bureau.

Commissioner appoints Chief Actuary.

58-7.2. Chief Actuary. The commissioner shall appoint and may remove at his discretion a chief actuary, who shall receive such compensation as fixed and provided by the Budget Bureau.

Other personnel.

58-7.3. Other deputies, actuaries, examiners and employees. The commissioner shall appoint or employ and may remove at his discretion such other deputies, actuaries, examiners, clerks and other employees as may be found necessary for the proper execution of the work of the insurance department, at such compensation as shall be fixed and provided by the Budget Bureau.

(5) Repeal Section fifty-eight - nine and insert in lieu thereof the following:

58-9. Powers and duties of Commissioner. The commissioner shall:

Duties and powers of Commissioner, makes and enforces regulations.

(1) See that all laws of this State governing insurance companies, associations, orders or bureaus relating to the business of insurance are faithfully executed, and to that end he shall have power and authority to make rules and regulations, not inconsistent with law, to enforce, carry out and make effective the provisions of this chapter. The commissioner may likewise, from time to time, withdraw, modify or amend any such regulation.

Prepares and furnishes to companies the reports that they must file.

(2) Furnish to the companies, associations, orders or bureaus required by this chapter to report to him, the necessary blank forms for the statements required, which forms may be changed by him from time to time when necessary to secure full information as to the standing, condition and such other information desired of companies, associations, orders or bureaus under the Insurance Department.

Examine annual statements and publish abstracts of same.

(3) Receive and thoroughly examine each annual statement required by this chapter and prepare an abstract of each annual statement at the expense of the company, association, order or bureau making the same and receive therefor the sum of four dollars. If the annual statement is made in compliance with the laws of this State, the commissioner shall publish the abstract of the same, at the expense of the company, association, order or bureau making it, in one of the newspapers of the State, which newspaper may be selected by the company, association, order or bureau making the statement, if within thirty days after the filing of the statement, the commissioner is notified in writing of the name of the paper selected.

File with Clerk of Superior Court of each County list of licensed companies and copy of biennial report of Insurance Department.

(4) File with the clerk of the superior court of each county on the first day of May of each year a list of companies, associations, orders and bureaus licensed to do business in North Carolina, setting forth the list of licenses in force on such date and those that have expired without renewal or that have been revoked. These lists shall be open for the inspection of the public. The commissioner shall also file with said clerks of court a copy of the biennial report of the Insurance Department.

Report violations to Attorney General and institute prosecutions.

(5) Report in detail to the Attorney General any violations of the laws relative to insurance companies, associations, orders and bureaus or the business of insurance, and he shall have power to institute civil actions or criminal prosecutions either by the Attorney General or such other attorney as the Attorney General may select, for any violation of the provisions of this chapter.

Furnish, when requested, synopsis of any policy.

(6) Upon a proper application by any citizen of this State, give a statement or synopsis of the provisions of any insurance contract offered or issued to such citizen.

(7) Administer by himself or by his deputy all oaths required in the discharge of his official duty. Administer oaths.

(6) Insert the following new sections:

58-9.1. Orders of Commissioner; when writing required. Whenever by any provision of this chapter, the commissioner is authorized to grant any approval, authorization or permission or to make any other order affecting any insurer, insurance agent, insurance broker or other person or persons subject to the provisions of this chapter, such order shall not be effective unless made in writing and signed by the commissioner or by his authority. Orders of Commissioner to be in writing.

58-9.2. Examinations, Investigations and Hearings. Notice of Hearing. All examinations, investigations and hearings provided for by this chapter may be conducted by the commissioner personally or by one or more of his deputies, actuaries, examiners or employees designated by him for the purpose. All hearings shall, unless otherwise specially provided, be held at such time and place as shall be designated in a notice which shall be given by the commissioner in writing to the person cited to appear, at least ten days before the date designated therein. The notice shall state the subject of inquiry and the specific charges, if any. It shall be sufficient to give such notice either by delivering it to such person or by depositing the same in the United States mail, postage prepaid, and addressed to the last known place of business of such person. Hearings can be conducted by deputies or other employees designated by Commissioner. Notices—content and service.

58-9.3. Court Review of Orders and Decisions. (1) Any order or decision made, issued or executed by the commissioner, except an order to make good an impairment of capital or surplus or a deficiency in the amount of admitted assets, shall be subject to review in the Superior Court of Wake County on petition by any person aggrieved filed within thirty days from the date of the delivery of a copy of the order or decision made by the commissioner upon such person. A copy of such petition for review as filed with and certified to by the clerk of said court shall be served upon the commissioner or in his absence upon someone in active charge of the department within five days after the filing thereof. If such petition for review is not filed within the said thirty days the parties aggrieved shall be deemed to have waived the right to have the merits of the order or decision reviewed and there shall be no trial of the merits therof by any court to which application may be made by petition or otherwise, to enforce or restrain the enforcement of the same. Procedure for appeals from Commissioner to Superior Court of Wake County.

(2) The commissioner shall within thirty days, unless the time be extended by order of court, after the service of the copy of the petition for review upon him or his office, prepare and file with the clerk of said court a complete transcript of the record of the hearing, if any, had before him, and a true copy of the Appeal hearing on transcript of record furnished by Commissioner.

order or decision duly certified. The order or decision of the commissioner shall be presumed to be correct and proper. The cause shall be heard by the said court as a civil case upon such transcript of the record and such additional evidence as may be offered at the hearing of said cause before the court by any of the parties. It shall be the duty of the court to hear and determine such petition with all convenient speed. If on the hearing before the court it shall appear that the record filed by the commissioner is incomplete, the court may by appropriate order direct the commissioner to certify any or all parts of the record so omitted.

Court can affirm or set aside decision or order of Commissioner.

(3) The court shall have jurisdiction to affirm or to set aside the order or decision of the commissioner and to restrain the enforcement thereof.

Appeal from Superior Court to Supreme Court.

(4) Appeals from all final orders and judgments entered by the superior court in reviewing the orders and decisions of the commissioner may be taken to the Supreme Court of North Carolina by any party to the action as in other civil cases.

Effect of appeal on stay on order.

(5) The commencement of proceedings under this section shall not operate as a stay of the commissioner's order or decision, unless so ordered by the court, except orders increasing or reducing rates and orders affecting the continuation of the license of a rating organization.

(7) Repeal Section fifty-eight - eleven and insert in lieu thereof the following:

Records of Commissioner are public and subject to inspection.

58-11. Office of Commissioner; a public office. The office of the commissioner shall be a public office and the records, reports, books and papers thereof on file therein shall be accessible to the inspection of the public, except as the commissioner, for good reason, may decide otherwise, or except as may be otherwise provided in this chapter.

(8) Amend Section fifty-eight - fourteen by inserting in line three after the word "acts" the words "including a summary of official rulings and regulations."

(9) Amend Section fifty-eight - fifteen by striking out in lines two, three, four, five and six, beginning after the word "company" in line two, the words "association or order, as well as every bond, investment, dividend, guarantee, registry, title guarantee, debenture, or such other like company (not strictly an insurance company, as defined in the general insurance laws)."

(10) Amend Section fifty-eight - sixteen as follows:

(a) Insert in line thirty-two after the sentence ending with the word "therein" the following words:

The refusal of any insurer to submit to examination or the refusal or failure of an insurer to pay the expenses of examination upon presentation of a bill therefor by the commissioner, shall be grounds for the revocation or refusal of a license. The commissioner is authorized to make public any such revocation or refusal of license as he may determine and to give his reasons therefor. The commissioner shall promptly institute a civic action to recover the expenses of examination against any insurer which refuses or fails to pay.

(b) Insert in line thirty-seven between the word "agents" and the word "and" the words "or to the books and papers of any affiliated or subsidiary corporations or partnerships that affect the affairs or financial condition of said company."

(c) Insert in line forty after the word "person" the words "affiliate or subsidiary."

(11) Insert the following new sections:

Commissioner may dispense with examination of foreign company in certain instances.

58-16.1. Examination dispensed with under certain circumstances. Before ordering or making the examination provided for in the preceding section of any foreign or alien company, the commissioner shall first inquire of the insurance department of the state or country (if there be any such department therein), in which is located the principal office of such company, as to the financial and business standing and solvency of such company. If, upon such inquiry, it shall appear that such company is of good financial and business standing, and is solvent, and it be certified, in writing, attested by the seal (if any) of the insurance department of the state or country wherein is located the principal office of such company, that it has been examined by the insurance department of such state or country in the manner prescribed by the laws thereof, and was by such examination found to be in sound condition, that there is no reason to doubt its solvency, and that it is still permitted, under the laws of such state or country, to do business therein, then in the discretion of the commissioner, further examination may be dispensed with, and the information so obtained, and such certificate so furnished, may be accepted as sufficient evidence of the solvency of such company.

Results of examination not to be made public until company is given opportunity to be heard.

58-16.2. Results of examination not to be made public until company is given opportunity to be heard; exception. Pending, during and after the examination of any domestic, foreign or alien insurance company neither the commissioner nor his representative or representatives shall make public or allow to be made public the financial statement, findings or report of examination, or any report affecting the status or standing of the company examined until the company has either accepted and approved the final report of examination or has been afforded a reasonable opportunity to be heard thereon and to answer or

rebut any statements or findings therein. Such hearing, if requested shall be informal and private.

If within thirty days after the final report of examination has been submitted to it, the company examined has neither notified the commissioner of its acceptance and approval of the report nor requested to be heard thereon, the report shall thereupon be filed as a public document and shall be open to public inspection.

The provisions of this section shall not, however, prohibit the commissioner from taking any action provided for, or from exercising any power conferred by, any other provision of this chapter to suspend or revoke the license of any insurance company.

(12) Repeal Section fifty-eight - eighteen and insert in lieu thereof the following:

Commissioner to investigate charges of violations by companies.

58-18. Investigation of charges. Upon his own motion or upon complaint being filed by a citizen of this State that a company authorized to do business in the State has violated any of the provisions of this chapter, the commissioner shall investigate the matter, and, if necessary, examine, under oath, by himself or his accredited representatives the president and such other officer or agents of such companies as may be deemed proper; also all books, records, and papers of the same. In case the commissioner shall find upon substantial evidence that any complaint against a company is justified, said company, in addition to such penalties as are imposed for violation of any of the provisions of this chapter, shall be liable for the expenses of the investigation, and the commissioner shall promptly present said company with a statement of such expenses. If the company refuses or neglects to pay, the commissioner is authorized to bring a civil action for the collection of these expenses.

(13) Repeal Section fifty-eight - nineteen.

(14) Repeal Section fifty-eight - twenty.

(15) Amend Section fifty-eight - twenty-one by striking out in line one after the word "company" the words "association, or order - domestic through its officers and foreign through its general agent -."

(16) Repeal Section fifty-eight - twenty-three.

(17) Repeal Section fifty-eight - twenty-four.

(18) Amend Section fifty-eight - twenty-five by striking out in line eleven between the word "commissioner" and the word "when," the words "his deputy or clerk."

(19) Insert the following new section:

58-25.1. Commissioner may require special reports. The commissioner may also address to any authorized insurer or its officers any inquiry in relation to its transactions or condition or any matter connected therewith. Every corporation or person so addressed shall reply in writing to such inquiry promptly and truthfully, and such reply shall be verified, if required by the commissioner, by such individual, or by such officer or officers of a corporation, as he shall designate.

Commissioner can require special reports from companies.

(20) Repeal Section fifty-eight - twenty-six.

(21) Amend Section fifty-eight - twenty-seven by striking out in line three between the word "company" and the word "licensed," the words "order, or person."

(22) Insert the following new section:

58-27.1. Insurance Advisory Board; organization and powers. (1) There shall be in the Insurance Department an insurance advisory board which shall consist of seven members. The commissioner shall be a member of the board and its chairman and executive head. The remaining six members shall be appointed by the Governor and any of them may be removed from office by the Governor whenever, in his judgment, the public interest may require. Of the six members appointed, three shall have had experience of such a nature as to make them familiar with the purposes and practices of the insurance business. Three members shall be appointed for two years and three for four years, and thereafter all appointments shall be for a term of four years and until a successor has been appointed; and in case of a vacancy for any reason, the Governor shall appoint a member to fill the unexpired term of office. The members of the insurance advisory board shall receive no salary but shall be paid for their services seven dollars ($7.00) per diem and their expenses. The board shall meet in regular session at least once each three months on call of the chairman. Special meetings may be had at any time upon call of the commissioner, or at the request of any two members of the board. The board may adjourn its meeting from day to day or until a day certain until all its business has been transacted. The commissioner shall keep a record of all proceedings of the board, which records shall be open to the public inspection. (2) The insurance advisory board shall have power to consider and, by a majority vote of its members present, to make recommendations to the commissioner upon any matter which may be submitted to the board.

Creation of Insurance Advisory Board, consisting of Commissioner and six other members appointed by the Governor. Three must possess familiarity with insurance business

Members receive per diem and not salary and hold quarterly meetings.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

Constitutionality.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

S. B. 111 CHAPTER 384

AN ACT TO AMEND CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO FOREIGN AND ALIEN INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter fifty-eight of the General Statutes of North Carolina is hereby amended as follows:

(1) Insert in the caption to Article seventeen after the word "Foreign" the words "or alien."

(1½) Amend Section fifty-eight - one hundred and forty-nine as follows:

(a) Insert in line one after the word "Foreign" the words "or alien."

(b) Strike out in line three after the word "conditions" the words "herein set forth" and insert in lieu thereof the words "of this chapter."

(c) Insert in line ten after the word "foreign" the words "or alien."

(2) Repeal Section fifty-eight - one hundred and fifty and insert in lieu thereof the following:

Conditions for licensing foreign or alien companies.

58-150. Conditions of admission. A foreign or alien insurance company may be admitted and authorized to do business when it:

File with Commissioner certified copy of charter, and statement of financial condition, and pay filing fees.

(1) Deposits with the commissioner a certified copy of its charter or certificate of organization and a statement of its financial condition and business, in such form and detail as he requires, signed and sworn to by its president and secretary or other proper officer, and pays for the filing of this statement the sum required by law.

(2) Satisfies the commissioner that it is fully and legally organized under the laws of its state or government to do the business it proposes to transact, and that it has been successful in the conduct of such business; that it has, if a stock company, a fully paid up and unimpaired capital, exclusive of stockholders' obligations of any description of an amount not less than that required for the organization of a domestic company writing the same kinds of business; and if a mutual company that its free surplus is not less than that required for the organization of a domestic company writing the same kind of business, and that such capital, surplus, and other funds are invested in substantial accordance with the requirements of this chapter.

Must satisfy Commissioner regarding validity of organization, success of operations and compliance with requirements imposed on domestic companies.

(3) By a duly executed instrument filed in his office constitutes and appoints the commissioner and his successor its true and lawful attorney, upon whom all lawful processes in any action or legal proceeding against it may be served, and therein agrees that any lawful process against it which may be served upon such attorney shall be of the same force and validity as if served on the company; and the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this State. Copies of this instrument, certified by the commissioner, are sufficient evidence thereof, and service upon such attorney is sufficient service upon the principal.

Appointment of Commissioner as process agent.

(4) Appoints as its agent or agents in this State some resident or residents thereof.

Agent in this State.

(5) Files with the commissioner a certificate that it has complied with the laws of the State or government under which it was organized and is authorized to make contracts of insurance.

Certificate of compliance with laws of home State.

(3) Repeal Section fifty-eight - one hundred and fifty-one and insert in lieu thereof the following:

58-151. Limitation as to kinds of insurance. Any foreign or alien company admitted to do business in this State shall be limited with respect to doing kinds of insurance in this State in the same manner and to the same extent as are domestic companies, *provided* that any foreign insurance company which has been licensed to do the business of life insurance in this State continuously during a period of twenty years next preceding the effective date of this Act may continue to be licensed, in the discretion of the commissioner, to do the kind or kinds of insurance business which it was authorized to do immediately prior to the taking effect of this Act.

Certain limitations as to kinds of insurance.

(4) Amend Section fifty-eight - one hundred and fifty-two by striking out in line twelve after the word "kind" the word "shall" and insert in lieu thereof the words "may in the discretion of the commissioner."

(5) Amend Section fifty-eight - one hundred and fifty-five by inserting in line four after the word "foreign" the words "or alien."

(6) Strike out in the caption in Article twenty the words "Foreign Fire."

(7) Repeal Section fifty-eight - one hundred and eighty-two and insert in lieu thereof the following sections:

Amount of deposits required of foreign or alien fire or marine companies.

58-182. Amount of deposits required of foreign or alien fire and/or marine insurance companies. Unless otherwise provided in this article, every fire, marine, or fire and marine insurance company chartered by any other state or foreign government shall make and maintain deposits of securities with the commissioner in the following amounts: (a) companies whose premium income derived from this State is less than fifty thousand dollars ($50,000.00) per annum, ten thousand dollars ($10,000.00); (b) companies whose premium income is more than fifty thousand dollars ($50,000.00) but less than one hundred thousand dollars ($100,000.00) per annum, twenty thousand dollars ($20,000.00); (c) companies whose premium income is more than one hundred thousand dollars ($100,000.00) per annum, twenty-five thousand dollars ($25,000.00), for which deposit the commissioner shall give a receipt.

Amount of deposits required of foreign or alien fidelity, surety and casualty companies.

58-182.1. Amount of deposits required of foreign or alien fidelity, surety and casualty insurance companies. Unless otherwise provided in this article every fidelity, surety or casualty insurance company chartered by any other state or foreign government shall make and maintain deposits of securities with the commissioner in the following amounts: (a) companies whose premium income derived from this State is less than one hundred thousand dollars ($100,000.00), twenty-five thousand dollars ($25,000.00); (b) companies whose premium income is in excess of one hundred thousand dollars ($100,000.00), fifty thousand dollars ($50,000.00), for which deposit the commissioner shall give a receipt.

Minimum deposit required when admitted.

58-182.2. Minimum deposit required upon admission. Upon admission to do business in the State of North Carolina every foreign or alien fire, marine, or fire and marine, fidelity, surety or casualty company shall deposit with the commissioner securities in the minimum amounts required under the provisions of Sections fifty-eight - one hundred and eighty-two and fifty-eight - one hundred and eighty-two point one.

Nature of deposits.

58-182.3. Type of deposits. The deposits required to be made under the provisions of Sections fifty-eight - one hundred and eighty-two and fifty-eight - one hundred and eighty-two point one shall be composed of bonds of the United States, or of the State of North Carolina, or of the cities or counties of this State.

Value of deposits must be maintained.

58-182.4. Replacements upon depreciation of securities. Whenever any of the securities deposited by companies under the provisions of Sections fifty-eight - one hundred and eighty-two and fifty-eight - one hundred and eighty-two point one shall be depreciated or reduced in value, such company shall forthwith increase the deposit in order to maintain the required deposit in accordance with the amounts required by the said sections.

Filing company must give Commissioner power of attorney to sell deposited securities.

58-182.5. Power of Attorney. With the securities deposited in accordance with Sections fifty-eight - one hundred and eighty-two and fifty-eight - one hundred and eighty-two point one the company shall at the same time deliver to the Commissioner of Insurance a power of attorney executed by its president and secretary or other proper officers authorizing the sale or transfer of said securities or any part thereof for the purpose of paying any of the liabilities provided for in this article.

Deposited securities to be held by State Treasurer and protected by State. Not subject to ad valorem tax.

58-182.6. Securities held by Treasurer; faith of State pledged therefor; nontaxable. The securities required to be deposited by each insurance company in this article shall be delivered for safekeeping by the commissioner to the treasurer of the State who shall receipt him therefor. For the securities so deposited the faith of the State is pledged that they shall be returned to the companies entitled to receive them or disposed of as herein provided for. The securities deposited by any company under this article shall not, on account of such securities being in this State, be subjected to taxation but shall be held exclusively and solely for the protection of contract holders.

Commissioner may require increase in deposits.

58-182.7. Authority to increase deposit. When, in the opinion of the commissioner, it is necessary for the protection of the public interest to increase the amount of deposits specified in Sections fifty-eight - one hundred and eighty-two and fifty-eight - one hundred and eighty-two point one, the companies described in said sections shall, upon demand, make additional deposits in such sums as the commissioner may require, and such additional deposits shall be held in accordance with and for the purposes set out in this article.

Commissioner may require domestic companies to make deposits.

58-182.8. Deposits of domestic companies. The commissioner may in the public interest require domestic fire, marine or fire and marine, fidelity, surety or casualty companies to make and maintain deposits under the provisions of Sections fifty-eight - one hundred and eighty-two to fifty-eight - one hundred and eighty-two point seven inclusive.

(8) Transfer the sections in Article four to Article twenty and amend said sections as follows:

(a) Renumber Section fifty-eight - fifty-five so that it will be Section fifty-eight - one hundred and eighty-eight point one and insert in Subsection two thereof in lines one and four after the word "foreign" in each case the words "or alien."

(b) Renumber Section fifty-eight - fifty-six so that it will be Section fifty-eight - one hundred and eighty-eight point two.

(c) Renumber Section fifty-eight - fifty-seven so that it will be Section fifty-eight - one hundred and eighty-eight point three and amend said section as follows:

1. Strike out in the caption the word "foreign" and insert in lieu thereof the word "alien."

2. Strike out in lines one, two, three and four, the words "A foreign company, if incorporated or associated under the laws of any government or state other than the United States or one of the United States" and insert in lieu thereof the words "An alien company, other than life."

(d) Renumber Section fifty-eight - fifty-eight so that it will be Section fifty-eight - one hundred and eighty-eight point four and amend said section as follows:

1. Insert in line one after the word "Every" the word "alien."

2. Strike out in line nine after the word "than" the word "two" and insert in lieu thereof the word "three."

(e) Renumber Section fifty-eight - fifty-nine so that it will be Section fifty-eight - one hundred and eighty-eight point five.

(f) Renumber Section fifty-eight - sixty so that it will be Section fifty-eight - one hundred and eighty-eight point six.

(g) Renumber Section fifty-eight - sixty-one so that it will be Section fifty-eight - one hundred and eighty-eight point seven.

(9) Insert a new section as follows:

Filing companies may give surety bond in lieu of deposit of securities.

58-188.8. Bond in lieu of deposit. In lieu of any deposit required in this chapter a company may give a surety bond issued by a company licensed in this State, the form of which bond shall be approved by the commissioner.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Constitutionality.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other

persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

S. B. 112 **CHAPTER 385**

AN ACT TO AMEND CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO ACCIDENT AND HEALTH INSURANCE.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter fifty-eight of the General Statutes of North Carolina is hereby amended as follows:

Amending laws relating to health and accident insurance.

(1) Amend Section fifty-eight - two hundred and forty-nine by inserting in line eight between the word "with" and the word "the" the words "and the forms approved by," and by changing the semicolon in line eight to a period, and by striking out the words "nor shall it be so issued until the expiration of thirty days after it has been so filed unless the commissioner shall sooner give his written approval thereto," beginning in line eight, and by striking out the word "society" in line fourteen.

(2) Repeal Section fifty-eight - two hundred and fifty and insert in lieu thereof the following:

Provisions of policy.

58-250. Specifications as to form of policy. No such policy which purports to insure only one person shall be delivered or issued for delivery in this State (1) unless the entire money and other considerations therefor are expressed in the policy; nor (2) unless the time at which the insurance thereunder takes effect and terminates is stated in a portion of the policy preceding its execution by the insurer; nor (3) unless every printed portion thereof and of any endorsements or attached papers shall be plainly printed in type of which the face shall be not smaller than ten point; nor (4) unless a brief description thereof be printed on its first page, and on its filing back in type of which the face shall not be smaller than fourteen point; nor (5) unless the exceptions of the policy be printed with the same prominence as the benefits to which they apply: *Provided, however,* that any portion of such policy which purports, by reason of the circumstances under which a loss is incurred, to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances, shall be printed in boldface type and with greater prominence than any other portion of the text of the policy.

(3) Amend Section fifty-eight - two hundred and fifty-two by inserting after the semicolon in line ten the following: or (6) relative to violation of law; or (7) relative to intoxicating liquor or narcotics;

(4) Amend Section fifty-eight - two hundred and fifty-three by adding the following new subsections:

Forfeiture of rights because of violations of law must be expressed in prescribed form.

6. Violation of Law. Any provision which affects the liability of the insurer because of any violation of law by the insured during the term of the policy shall be in the following form:

The insurer shall not be liable for death, injury incurred or disease contracted, to which a contributing cause was the insured's commission of, or attempt to commit, a felony, or which occurs while the insured is engaged in an illegal occupation.

Forfeiture because of intoxicants or narcotics must be expressed in prescribed form.

7. Intoxicating Liquor or Narcotics. Any provision which affects the liability of the insurer because of the insured's use of intoxicating liquor or narcotics during the term of the policy shall be in the following form:

The insurer shall not be liable for death, injury incurred or disease contracted while the insured is intoxicated or under the influence of narcotics unless administered on the advice of a physician.

Any such policy which contains either or both of the provisions specified under the foregoing paragraphs six and seven need not include such provisions under the heading of "Standard Provisions."

(5) Insert the following new sections:

Provisions regarding industrial sick benefits.

58-254.1. Industrial sick benefit insurance defined. Industrial sick benefit insurance is hereby defined as that form of insurance for which premiums are payable weekly and which provides for the payment of a weekly indemnity on account of sickness or accident in addition to a benefit in case of death. Such death benefit shall not exceed one hundred and fifty dollars ($150.00). There shall be a provision for the payment of weekly premium, eighty per cent of which shall be allocated for the purchase of sick and accident coverages and twenty per cent thereof for the purchase of death benefits.

Standard provisions to be included in industrial sick benefit policies.

58-254.2. Industrial sick benefit insurance; standard provisions. Policies issued under the industrial sick benefit plan shall contain the standard provisions contained in Section fifty-eight - two hundred and fifty-one and in addition shall contain the following: (1) a provision for grace for the payment of the additional premium or assessment or proportion thereof for such death benefits of not less than four weeks during which period

the death benefit shall continue in force; (2) a provision for incontestability of the death benefit coverage after not more than two years except for (a) nonpayment of premiums, and (b) misstatement of age; (3) optional standard provision number one in Section fifty-eight - two hundred and fifty-three relating to the sickness and accident coverage only; (4) a provision that the death benefit is noncancellable by the company except for nonpayment of premium.

Discretion of Commissioner to make exceptions.

The commissioner may approve any form of certificate to be issued under the industrial sick benefit plan which omits or modifies any of the standard provisions hereinbefore required, if he deems such omission or modification suitable for the character of such insurance and not unjust to the persons insured thereunder.

Defining blanket accident and health insurance.

58-254.3. Blanket accident and health insurance defined. 1. Any policy or contract of insurance against death or injury resulting from accident or from accidental means which insures a group of persons conforming to the requirements of one of the following Paragraphs (a) to (f) inclusive shall be deemed a blanket accident policy. Any policy or contract which insures a group of persons conforming to the requirements of one of the following Paragraphs (c), (e) or (f) against total or partial disability, excluding such disability from accident or from accidental means, shall be deemed a blanket health insurance policy. Any policy or contract of insurance which combines the coverage of blanket accident insurance and of blanket health insurance on such a group of persons shall be deemed a blanket accident and health insurance policy:

Policies for public carriers.

(a) Under a policy or contract issued to any railroad, steamship, motorbus or airplane carrier of passengers, which shall be deemed the policyholder, a group defined as all persons who may become such passengers may be insured against death or bodily injury either while, or as a result of, being such passengers.

Policy for group of employees.

(b) Under a policy or contract issued to an employer, who shall be deemed the policyholder, covering any group of employees defined by reference to exceptional hazards incident to such employment, insuring such employee against death or bodily injury resulting while, or from, being exposed to such exceptional hazard.

Policy for educational institution.

(c) Under a policy or contract issued to a college, school or other institution of learning or to the head or principal thereof, who or which shall be deemed the policyholder.

Policy for fire department.

(d) Under a policy or contract issued in the name of any volunteer fire department, which shall be deemed the policyholder, covering all of the members of such department.

Policy for association members.

(e) Under a policy or contract issued to and in the name of an incorporated or unincorporated association of persons having a common interest or calling, which association shall be deemed the policyholder, having not less than fifty members, and formed for purposes other than obtaining insurance, covering all of the members of such association.

Hospital and medical coverance for family.

(f) Under a policy or contract issued to the head of a family, who shall be deemed the policyholder, whereunder the benefits thereof shall be limited to the payment by the insurer of amounts for expenses incurred by the policyholders on account of hospitalization or medical or surgical aid for himself, his spouse, his child or children not over eighteen years of age.

Beneficiaries.

2. All benefits under any blanket accident, blanket health or blanket accident and health insurance policy shall be payable to the person insured, or to his designated beneficiary or beneficiaries, or to his estate, except that if the person insured be a minor, such benefits may be made payable to his parent, guardian, or other person actually supporting him, or to a person or persons chiefly dependent upon him for support and maintenance.

3. Nothing contained in this section shall be deemed to affect the legal liability of policyholders for the death of or injury to, any such member of such group.

Defining group health and accident insurance.

58-254.4. Group Accident and Health Insurance defined. 1. Any policy or contract of insurance against death or injury resulting from accident or from accidental means which covers more than one person, except blanket accident policies as defined in Section fifty-eight - two hundred and fifty-four point three shall be deemed a group accident insurance policy. Any policy or contract which insures against disablement, disease or sickness of the insured (excluding disablement which results from accident or from accidental means) and which covers more than one person, except blanket health insurance policies as defined in Section fifty-eight - two hundred and fifty-four point three shall be deemed a group health insurance policy or contract. Any policy or contract of insurance which combines the coverage of group accident insurance and of group health insurance shall be deemed a group accident and health insurance policy. No policy or contract of group accident, group health or group accident and health insurance, and no certificates thereunder, shall be delivered or issued for delivery in this State unless it conforms to the requirements of Subsection two.

Relating to insured group.

2. No policy or contract of group accident, group health or group accident and health insurance shall be delivered or issued for delivery in this State unless the group of persons thereby insured conforms to the requirements of the following paragraph:

Under a policy issued to an employer, which employer shall be deemed the policyholder, covering not less than fifty employees of such employer, and covering, except as hereinafter provided, only employees of any class or classes thereof determined by conditions pertaining to employment, for amounts of insurance based upon some plan which will preclude individual selection. The premium may be paid by the employer, by the employer and employees jointly, or by the employees. If the premium is paid by the employer and employees jointly, or by the employees, the group shall comprise not less than seventy-five per cent of all employees or not less than seventy-five per cent of any class or classes of employees determined by conditions pertaining to the employment.

Not less than 50 employees.

Premium can be paid by employer or employee or both.

3. The term "employees" as used in this section shall be deemed to include, for the purposes of insurance hereunder, as employees of a single employer, the officers, managers, and employees of the employer and of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners, and employees of individuals and firms of which the business is controlled by the insured employer through stock ownership, contract or otherwise. The term "employer" as used herein may be deemed to include any municipal corporation or the proper officers, as such, of any unincorporated municipality, or any department of such corporation or municipality determined by conditions pertaining to the employment.

Defining "employees."

Defining "employer."

4. The benefits payable under any policy or contract of group accident, group health and group accident and health insurance shall be payable to the employees or to some beneficiary or beneficiaries designated by him, other than the employer, but if there is no designated beneficiary as to all or any part of the insurance at the death of the employee or member, then the amount of insurance payable for which there is no designated beneficiary shall be payable to the estate of the employee or member, except that the insurer may in such case, at its option, pay such insurance to any one or more of the following surviving relatives of the employee or member: wife, husband, mother, father, child, or children, brothers or sisters; and except that payment of benefits for expenses incurred on account of hospitalization or medical or surgical aid, as provided in Subsection five, may be made by the insurer to the hospital or other person or persons furnishing such aid. Payment so made shall discharge the insurer's obligation with respect to the amount of insurance so paid.

Beneficiaries.

5. Any policy or contract of group accident, group health or group accident and health insurance may include provisions for the payment by the insurer of benefits to the employee or other member of the insured group, on account of hospitalization or medical or surgical aid for himself, his spouse, his child or

Benefits might include family and other dependents.

children, or other persons chiefly dependent upon him for support and maintenance.

Readjustment of rates based on experience.

6. Any policy or contract of group accident, group health or group accident and health insurance may provide for readjustment of the rate of premium based on the experience thereunder at the end of the first year or of any subsequent year of insurance thereunder, and such readjustment may be made retroactive only for such policy year. Any refund under any plan for readjustment of the rate of premium based on the experience under group policies and any dividend paid under such policies may be used to reduce the employer's contribution to group insurance for the employees of the employer, and the excess over such contribution by the employer shall be applied by the employer for the sole benefit of the employees.

Exception.

7. Nothing contained in this section shall be deemed applicable to any contract issued by any corporation defined in Chapter fifty-seven of the General Statutes of North Carolina.

Policy must be approved by Commissioner.

58-254.5. Group or Blanket Accident and Health Insurance; Approval of forms and filing of rates. No policy of group or blanket accident, health or accident and health insurance shall be delivered or issued for delivery in this State unless the form of the policy contracts including the master policy contract, the individual certificates thereunder, the applications for the contract, and a schedule of the premium rates pertaining to such form or forms, have been filed with and the forms approved by the commissioner.

(6) Amend Subsection two of Section fifty-eight - two hundred and sixty-one as follows:

(a) Strike out in lines six and seven the words "a special surrender value" and insert in lieu thereof the words "special benefits."

(b) Insert in line eight after the word "totally" a comma and the words "or totally."

(c) Insert in line fourteen after the word "death" and before the word "of" the words "or disability."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Constitutionality.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

S. B. 113 **CHAPTER 386**

AN ACT TO AMEND CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE ORGANIZATION AND REGULATION OF INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter fifty-eight of the General Statutes of North Carolina be amended as follows:

Amending law regarding insurance companies.

(1) Repeal Section fifty-eight - seventy-two and insert in lieu thereof the following:

58-72. Kinds of insurance authorized. The kinds of insurance which may be authorized in this State, subject to the other provisions of this chapter, are set forth in the following paragraphs. Nothing herein contained shall require any insurer to insure every kind of risk which it is authorized to insure. The power to do any kind of insurance against loss of or damage to property shall include the power to insure all lawful interests in such property and to insure against loss of use and occupancy, rents and profits resulting therefrom; but no kind of insurance shall be deemed to include life insurance or insurance against legal liability for personal injury or death unless specified herein. In addition to any power to engage in any other kind of business than an insurance business which is specifically conferred by the provisions of this chapter, any insurer authorized to do business in this State may engage in such other kind or kinds of business to the extent necessarily or properly incidental to the kind or kinds of insurance business which it is authorized to do in this State. Each of the following paragraphs indicates the scope of the kind of insurance business specified therein;

Kinds of insurance authorized in this State.

1. "Life insurance," meaning every insurance upon the lives of human beings and every insurance appertaining thereto. The business of life insurance shall be deemed to include the granting of endowment benefits; additional benefits in the event of death by accident or accidental means; additional benefits operating to safeguard the contract from lapse, or to provide a special surrender value, in the event of total and permanent disability of the insured, including industrial sick benefit; and optional modes of settlement of proceeds.

Defining Life Insurance.

Annuities.

2. "Annuities," meaning all agreements to make periodical payments where the making or continuance of all or of some of a series of such payments, or the amount of any such payment, is dependent upon the continuance of human life, except payments made under the authority of Subsection one.

Accident and Health.

3. "Accident and health insurance," meaning (a) insurance against death or personal injury by accident or by any specified kind or kinds of accident and insurance against sickness, ailment or bodily injury except as specified in Paragraph (b) following; and (b) noncancellable disability insurance, meaning insurance against disability resulting from sickness, ailment or bodily injury, (but not including insurance solely against accidental injury) under any contract which does not give the insurer the option to cancel or otherwise terminate the contract at or after one year from its effective date or renewal date.

Fire.

4. "Fire insurance," meaning insurance against loss of or damage to any property resulting from fire, including loss or damage incident to the extinguishment of a fire or to the salvaging of property in connection therewith.

Windstorm, etc.

5. "Miscellaneous property insurance," meaning loss of or damage to property resulting from

(a) lightning, smoke or smudge, windstorm, tornado, cyclone, earthquake, volcanic eruption, rain, hail, frost and freeze, weather or climatic conditions, excess or deficiency of moisture, flood, the rising of the waters of the ocean or its tributaries, or

Insects, etc.

(b) insects, or blights, or from disease of such property other than animals, or

Electrical, etc.

(c) electrical disturbance causing or concomitant with a fire or an explosion in public service or public utility property, or

Bombardment, etc.

(d) bombardment, invasion, insurrection, riot, civil war or commotion, military or usurped power, any order of a civil authority made to prevent the spread of a conflagration, epidemic or catastrophe, vandalism or malicious mischief, strike or lockout, or explosion; but not including any kind of insurance specified in Subsection nine, except insurance against loss or damage to property resulting from

Explosions, etc.

(1) explosion of pressure vessels (except steam boilers of more than fifteen pounds pressure) in buildings designed and used solely for residential purposes by not more than four families,

Outside.

(2) explosion of any kind originating outside of the insured building or outside of the building containing the property insured,

(3) explosion of pressure vessels which do not contain steam or which are not operated with steam coils or steam jackets, Other than steam.

(4) electrical disturbance causing or concomitant with an explosion in public service or public utility property.

6. "Water damage insurance," meaning insurance against loss or damage by water or other fluid or substance to any property resulting from the breakage or leakage of sprinklers, pumps or other apparatus erected for extinguishing fires or of water pipes or other conduits or containers, or resulting from casual water entering through leaks or openings in buildings or by seepage through building walls, but not including loss or damage resulting from flood or the rising of the waters of the ocean or its tributaries; and including insurance against accidental injury of such sprinklers, pumps, fire apparatus, conduits or containers. Water Damage.

7. "Burglary and theft insurance," meaning Burglary and Theft.

(a) Insurance against loss of or damage to any property resulting from burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation or wrongful conversion, disposal or concealment by any person or persons, or from any attempt at any of the foregoing, and

(b) Insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances or any other valuable papers or documents, resulting from any cause, except while in the custody or possession of and being transported by any carrier for hire or in the mail.

8. "Glass insurance," meaning insurance against loss of or damage to glass and its appurtenances resulting from any cause. Glass.

9. "Boiler and machinery insurance," meaning insurance against loss of or damage to any property of the insured, resulting from the explosion of or injury to (a) any boiler, heater or other fired pressure vessel; (b) any unfired pressure vessel; (c) pipes or containers connected with any of said boilers or vessels; (d) any engine, turbine, compressor, pump or wheel; (e) any apparatus generating, transmitting or using electricity; (f) any other machinery or apparatus connected with or operated by any of the previously named boilers, vessels or machines; and including the incidental power to make inspections of and to issue certificates of inspection upon, any such boilers, apparatus, and machinery, whether insured or otherwise. Boiler and Machinery.

10. "Elevator insurance," meaning insurance against loss of or damage to any property of the insured, resulting from the ownership, maintenance or use of elevators, except loss or damage by fire. Elevator.

Animal.

11. "Animal insurance," meaning insurance against loss of or damage to any domesticated or wild animal resulting from any cause.

Collision.

12. "Collision insurance," meaning insurance against loss of or damage to any property of the insured resulting from collision of any other object with such property, but not including collision to or by elevators, or to or by vessels, craft, piers or other instrumentalities of ocean or inland navigation.

Personal Injury.

13. "Personal injury liability insurance," meaning insurance against legal liability of the insured, and against loss, damage or expense incident to a claim of such liability, and including an obligation of the insurer to pay medical, hospital, surgical and funeral benefits to injured persons, irrespective of legal liability of the insured, arising out of the death or injury of any person, or arising out of injury to the economic interests of any person as the result of negligence in rendering expert, fiduciary or professional service, but not including any kind of insurance specified in Subsection fifteen.

Property Damage.

14. "Property damage liability insurance," meaning insurance against legal liability of the insured, and against loss, damage or expense incident to a claim of such liability, arising out of the loss or destruction of, or damage to, the property of any other person, but not including any kind of insurance specified in Subsection thirteen or fifteen.

Workmen's Compensation.

15. "Workmen's compensation and employer's liability insurance," meaning insurance against the legal liability, whether imposed by common law or by statute or assumed by contract, of any employer for the death or disablement of, or injury to, his or its employee.

Fidelity and Surety.

16. "Fidelity and surety insurance," meaning

(a) Guaranteeing the fidelity of persons holding positions of public or private trust;

(b) Becoming surety on, or guaranteeing the performance of, any lawful contract except the following: (1) A contract of indebtedness secured by title to, or mortgage upon, or interest in, real or personal property; (2) a bond or undertaking of the kind specified in Paragraph (c); (3) any insurance contract except reinsurance.

(c) Becoming surety on, or guaranteeing the performance of, bonds and undertakings required or permitted in all judicial proceedings or otherwise by law allowed, including surety bonds accepted by states and municipal authorities in lieu of deposits as security for the performance of insurance contracts;

(d) Guaranteeing contracts of indebtedness secured by any title to, or interest in, real property, only to the extent required for the purpose of refunding, extending, refinancing, liquidating or salvaging obligations heretofore lawfully made and guaranteed;

(e) Indemnifying banks, bankers, brokers, financial or monied corporations or associations against loss resulting from any cause of bills of exchange, notes, bonds, securities, evidences of debts, deeds, mortgages, warehouse receipts, or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, including any loss while the same are being transported in armored motor vehicles, or by messenger, but not including any other risks of transportation or navigation; also against loss or damage to such an insured's premises, or to his furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt thereat.

Credit.

17. "Credit insurance," meaning indemnifying merchants or other persons extending credit against loss or damage resulting from the nonpayment of debts owed to them; and including the incidental power to acquire and dispose of debts so insured, and to collect any debts owed to such insurer or to any person so insured by him.

Title.

18. "Title insurance," meaning insuring the owners of real property and chattels real and other persons lawfully interested therein against loss by reason of defective titles and encumbrances thereon and insuring the correctness of searches for all instruments, liens or charges affecting the title to such property, including the power to procure and furnish information relative thereto, and such other incidental powers as are specifically granted in this chapter.

Motor Vehicle and Aircraft.

19. "Motor vehicle and aircraft insurance," meaning insurance against loss of or damage resulting from any cause to motor vehicles or aircraft and their equipment, and against legal liability of the insured for loss or damage to the property of another resulting from the ownership, maintenance or use of motor vehicles or aircraft and against loss, damage or expense incident to a claim of such liability.

Marine.

20. "Marine insurance," meaning insurance against any and all kinds of loss or damage to:

(a) Vessels, craft, aircraft, cars, automobiles and vehicles of every kind, as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of prop-

erty and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment, or reshipment incident thereto, including marine builder's risks and all personal property floater risks, and

(b) Person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds nor insurance against loss by reason of bodily injury to the person arising out of the ownership, maintenance or use of automobiles), and

(c) Precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise and whether the same be in course of transportation or otherwise, and

(d) Bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) unless fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot and/or civil commotion are the only hazards to be covered; piers, wharves, docks and slips, excluding the risks of fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot, and/or civil commotion; other aids to navigation and transportation, including dry docks and marine railways against all risks.

Marine Protection and Indemnity.

21. "Marine protection and indemnity insurance," meaning insurance against, or against legal liability of the insured for, loss, damage or expense arising out of, or incident to, the ownership, operation, chartering, maintenance, use, repair or construction of any vessel, craft or instrumentality in use in ocean or inland waterways, including liability of the insured for personal injury, illness or death or for less of or damage to the property of another person.

Miscellaneous.

22. "Miscellaneous insurance," meaning insurance against any other casualty authorized by the charter of the company, not included in Subsections one to twenty-one inclusive of this section, which is a proper subject of insurance. No corporation so formed may transact any other business than that specified in its charter and articles of association.

(1½) Repeal Section fifty-eight - seventy-six.

(2) Repeal Section fifty-eight - seventy-seven and insert in lieu thereof the following:

Amount of capital required.

58-77. Amount of capital and/or surplus required. The amount of capital and/or surplus requisite to the formation and organization of companies under the provisions of this chapter shall be as follows:

Stock life company—$200,000.00 capital and surplus of 50 per cent.

1. Stock life insurance companies. (a) A stock corporation may be organized in the manner prescribed in this chapter and licensed to do the business of life insurance, only when it shall have a paid-in capital of at least two hundred thousand dollars and a paid-in initial surplus of an amount at least equal to fifty per cent of its capital, and it may in addition do any one or more of the kinds of business specified in Subsections two and three of Section fifty-eight - seventy-two, without having additional capital or surplus. Every such company shall at all times thereafter maintain a minimum capital of not less than two hundred thousand dollars.

In certain cases Commissioner may require only $100,000.00 capital and $50,000.00 surplus.

(b) If the commissioner, after such investigation as he may deem it expedient to make, finds that a corporation may be organized to do the business of life insurance, or the writing of annuities or both, that its operations are restricted solely to one state, and that the organization of such corporation is in the public interest, he may permit the organization of a stock corporation to do on such restricted plan either or both of the kinds of business specified in Subsections one and two of Section fifty-eight - seventy-two, with the minimum paid-in capital and a minimum paid-in surplus in an amount to be prescribed by him, but in no event to be less than a paid-in capital of one hundred thousand dollars and a paid-in surplus of fifty thousand dollars. Every such company shall at all times thereafter maintain such prescribed minimum capital.

Stock accident and health must have minimum of $100,000.00 capital and surplus equal to one half capital.

2. Stock accident and health insurance companies. (a) A stock corporation may be organized in the manner prescribed in this chapter and licensed to do only the kind of insurance specified in Subsection three (a) of Section fifty-eight - seventy-two, when it shall have a paid-in capital of not less than one hundred thousand dollars, and a paid-in surplus at least equal to fifty per cent of such capital. Every such company shall at all times thereafter maintain a minimum capital of not less than one hundred thousand dollars.

(b) Any company organized under the provisions of Subsection (a) of this subsection may, by the provisions of its original charter or any amendment thereto, acquire the power to do the kind of business specified in Paragraph (b) of Subsection three of Section fifty-eight - seventy-two, if it has a paid-in capital at

least equal to one hundred and fifty thousand dollars, and a paid-in initial surplus at least equal to fifty per cent of such capital. Every such company shall at all times maintain a minimum capital of not less than one hundred and fifty thousand dollars.

Stock fire and marine company must have minimum capital of $200,000.00 and surplus equal to 50 per cent of capital.

3. Stock fire and marine companies. A stock corporation may be organized in the manner prescribed in this chapter and licensed to do one or more of the kinds of insurance specified in Subsections four, five, six, seven, eight, eleven, twelve, nineteen, twenty and twenty-two of Section fifty-eight - seventy-two only when it shall have a paid-in capital of not less than two hundred thousand dollars and a contributed surplus equivalent to not less than fifty per cent of such paid-in capital. Every such company shall at all times thereafter maintain a minimum capital of not less than two hundred thousand dollars, *provided that*, any such corporation may do all the kinds of insurance authorized for casualty, fidelity and surety companies, as set out in Subsection four hereof where its charter so permits, when and if it meets all additional requirements as to capital and surplus as fixed in said section, and maintains the same.

Stock casualty, fidelity and surety company must have $300,000.00 and surplus equal to 50 per cent of capital.

4. Stock, Casualty and Fidelity and Surety companies. A stock corporation may be organized in the manner prescribed in this chapter and licensed to do one or more of the kinds of insurance specified in Subsections three, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one and twenty-two of Section fifty-eight - seventy-two only when it shall have a paid-in capital of not less than three hundred thousand dollars and a contributed surplus equivalent to not less than fifty per cent of such paid-in capital. Every such company shall at all times thereafter maintain a minimum capital of not less than three hundred thousand dollars. If the commissioner, after such investigation as he may deem it expedient to make, finds that a corporation may be organized to do one or more of such kinds of insurance, that its operations are restricted solely to one state and that the organization of such corporation is in the public interest, he may permit such corporation to be organized and licensed to write the lines set out in this section with a paid-in capital of not less than two hundred thousand dollars and a contributed surplus equivalent to not less than fifty per cent of such paid-in capital, and every such company shall hereafter maintain a minimum capital of not less than two hundred thousand dollars, *provided that*, any casualty, fidelity and surety corporation may do all the kinds of insurance authorized for fire and marine companies, as set out in Subsection three thereof where its charter so permits, when and if it meets all additional requirements as to capital and surplus as fixed in said section, and maintains the same.

Requirements for mutual fire and marine companies.

5. Mutual fire and marine companies. (a) Limited assessment companies. A limited assessment mutual company may be organized in the manner prescribed in this chapter and licensed to do one or more of the kinds of insurance specified in Subsections four, five, six, seven, eight, eleven, twelve, nineteen, twenty and twenty-two of Section fifty-eight - seventy-two only when it has no less than two hundred and fifty thousand dollars of insurance in not fewer than two hundred and fifty separate risks subscribed with a contributed initial surplus of at least fifty thousand dollars, which surplus shall at all times be maintained. The assessment liability of a policyholder of a company organized in accordance with the provisions of this paragraph shall not be limited to less than five annual premiums; *provided*, such limited assessment company may reduce the assessment liability of its policyholders from five annual premiums as set out herein to one additional annual premium when the free surplus of such company amounts to not less than one hundred thousand dollars, which surplus shall at all times be maintained.

Requirements for assessable mutual companies.

(b) Assessable mutual companies. An assessable mutual company may be organized in the manner prescribed in this chapter and licensed to do one or more of the kinds of insurance specified in Subsections four, five and six of Section fifty-eight - seventy-two with an unlimited assessment liability of its policyholders only when it shall have not less than two hundred and fifty thousand dollars of insurance in not fewer than two hundred and fifty separate risks subscribed with contributed surplus equal to twice the amount of the maximum net retained liability under the largest policy of insurance issued by such company; but not less than ten thousand dollars, which surplus shall at all times be maintained. *Provided* such company, when its charter so permits, in addition may be licensed to do one or more of the kinds of insurance specified in Subsections seven, eight, eleven, twelve, nineteen, twenty and twenty-two of Section fifty-eight - seventy-two, with an unlimited assessment liability of its policyholders, when its free surplus amounts to not less than twenty-five thousand dollars, which surplus shall at all times be maintained.

Requirements for nonassessable mutual companies.

(c) Nonassessable mutual companies. A nonassessable mutual company may be organized in the manner prescribed in this chapter and licensed to do one or more of the kinds of insurance specified in Subsections four, five, six, seven, eight, eleven, twelve, nineteen, twenty and twenty-two of Section fifty-eight - seventy-two and may be authorized to issue policies under the terms of which a policyholder is not liable for any assessments in addition to the premium set out in the policy only when it shall have not less than two hundred and fifty thousand dollars of insurance in not fewer than two hundred and fifty separate risks subscribed with a contributed initial surplus of not less

than two hundred thousand dollars, which surplus shall at all times be maintained.

Requirements for town or county mutual insurance companies.

(d) Town or county mutual insurance companies. A town or county mutual insurance company, with unlimited assessment liability, may be organized in the manner prescribed in this chapter and licensed to do the kinds of insurance specified in Subsection four of Section fifty-eight - seventy-two only when it shall have not less than twenty-five thousand dollars of insurance in not fewer than twenty-five separate risks subscribed with a contributed surplus at all times not less than the maximum liability under the largest policy issued or to be issued. A town or county mutual insurance company may, in addition to writing the business specified in Subsection four of Section fifty-eight - seventy-two, cover in the same policy the hazards usually insured against under an extended coverage endorsement when such company has and at all times maintains in addition to the surplus hereinbefore required, an additional surplus of not less than five thousand dollars or not less than an amount equivalent to one per cent of the total amount of insurance in force, whichever is the larger sum. *Provided* that such company may not operate in more than three adjacent counties in this State.

Requirements for mutual life, accident and health companies.

6. Mutual life, accident and health insurance companies. (a) A nonassessable mutual insurance company may be organized in the manner prescribed in this chapter, and licensed to do only one or more of the kinds of insurance specified in Subsections one, two and three of Section fifty-eight - seventy-two when it has complied with the requirements of this chapter and with those hereinafter set forth in Paragraphs (1) to (4) inclusive, of this subsection, whichever shall be applicable.

Special companies.

(1) If organized to do only the kinds of insurance specified in Subsections one and two of Section fifty-eight - seventy-two, such company shall have not less than two hundred and fifty bona fide applications for life insurance in an aggregate amount not less than two hundred and fifty thousand dollars, and shall have received from each such applicant in cash the full amount of one annual premium on the policy applied for by him, in an aggregate amount at least equal to seven thousand and five hundred dollars, and shall in addition have a contributed surplus of seventy-five thousand dollars, and shall have and maintain at all times a minimum surplus of fifty thousand dollars.

(2) If organized to do only the kind of insurance specified in Paragraph (a) of Subsection three of Section fifty-eight - seventy-two such company shall have not less than one hundred and twenty-five bona fide applications for such insurance, and shall have received from each such applicant in cash the full amount of one annual premium on the policy applied for by him in an

aggregate amount of at least six thousand dollars, and shall have a contributed surplus of seventy-five thousand dollars and shall have and maintain at all times a minimum surplus of fifty thousand dollars.

(3) If organized to do the kinds of insurance specified in Subsection one and in Paragraph (a) of Subsection three of Section fifty-eight - seventy-two, such company shall have complied with the provisions of both Paragraph (1) and Paragraph (2) hereof.

(4) If organized to do the kind of insurance specified in Paragraph (b) of Subsection three of Section fifty-eight - seventy-two, in addition to the kind or kinds of insurance designated in any one of the foregoing paragraphs of this subsection, such company shall have a contributed surplus, and shall maintain a minimum surplus, each in an amount of at least fifty thousand dollars in excess of the respective amounts required by Paragraphs (1), (2) and (3) hereof where applicable.

7. Organization of mutual casualty, fidelity and surety companies.

Requirements for nonassessable mutual casualty companies.

(a) Nonassessable mutual companies. A mutual insurance company with no assessment liability provided for its policyholders may be organized in the manner prescribed in this chapter and licensed to do one or more of the kinds of insurance specified in Subsections three, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one and twenty-two of Section fifty-eight - seventy-two when it has a minimum contributed surplus of three hundred thousand dollars and not less than two hundred and fifty thousand dollars of insurance subscribed in not less than two hundred and fifty separate risks. The surplus of such company shall at all times be maintained at or above the amount required hereinabove for organization of such company.

Assessable mutual casualty companies.

(b) Assessable mutual companies. A mutual insurance company with assessment liability provided for its policyholders may be organized in the manner prescribed in this chapter and licensed to do one or more of the kinds of insurance specified in Subsections three, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one and twenty-two of Section fifty-eight - seventy-two when it has a minimum contributed surplus of one hundred thousand dollars and not less than two hundred and fifty thousand dollars of insurance subscribed in not less than two hundred and fifty separate risks. Such company shall at all times maintain a surplus in an amount not less than one hundred thousand dollars. The assessment liability of a policyholder of such company shall not be limited to less than one annual premium.

8. a. A company may do all the kinds of insurance authorized to be done by a company organized under the provisions of Paragraph (a.) of Subsection five, and Paragraph (b.) of Subsection seven where its charter so permits when and if it meets the combined maximum requirements of said paragraphs. The assessment liability of policyholders of such a company shall not be limited to less than one annual premium within any one policy year.

b. A company may do all the kinds of insurance authorized to be done by a company organized under the provisions of Paragraph (c.) of Subsection five, and Paragraph (a) of Subsection seven where its charter so permits when and if it meets the combined maximum requirements of said paragraphs. The policyholders of such a company shall not be subject to any assessment liability.

Companies, operating January 1, 1945, can continue without increasing capital.

9. Any domestic, foreign or alien company licensed to do business in North Carolina on January first, one thousand nine hundred and forty-five, shall be permitted to continue to do the same kinds of business which it was authorized to do on such date without being required to increase its capital and/or surplus, but the requirements of this section as to capital and surplus shall apply to such companies as a prerequisite to writing additional lines of business.

(3) Amend Section fifty-eight - seventy-eight by striking out in line ten after the word "by" the figures "58-79" and inserting in lieu thereof the figures "58-77."

(4) Repeal Section fifty-eight - seventy-nine and insert in lieu thereof the following sections:

Investments by Life Companies.

58-79. Investments; Life. I. Every domestic stock and mutual life insurance company must have and continually keep to the extent of an amount equal to its entire reserves, as hereinafter defined, and entire capital, if any, and minimum required surplus, invested in:

Coin, currency and shares of Building and Loan Associations and Federal Savings and Loan Associations.

(a) Coin or currency of the United States of America, on hand or on deposit in a National or State bank or trust company or invested in the shares of any Building and Loan or Savings and Loan Association, or invested in the shares of any Federal Savings and Loan Association.

Bonds of U. S. or Canada.

(b) Interest bearing bonds, notes, certificates of indebtedness, bills or other direct interest bearing obligations of the United States of America or by the Dominion of Canada.

Bonds of any State, County or City or any Province of Canada.

(c) Interest bearing bonds of any state, District of Columbia, territory or possession of the United States of America, or of any province of the Dominion of Canada, or of any county, or

incorporated city of any state, District of Columbia, territory or possession of the United States of America.

Bonds of any commission, authority or political subdivision of any State, etc.

(d) Interest bearing bonds of any commission, authority or political subdivision having legal authority to issue the same of any state, District of Columbia, territory or possession of the United States of America or of any county or incorporated city of any state, District of Columbia, territory or pessession of the United States of America.

Federal Farm Loan Bonds, corporate bonds, etc.

(e) Federal Farm Loan Bonds issued by Federal Land Banks organized under the provisions of the Act of Congress known as the Federal Farm Loan Act. Interest bearing bonds, notes or other interest bearing obligations of any solvent corporation organized under the laws of the United States of America or of the Dominion of Canada, or under the laws of any state, District of Columbia, territory or possession of the United States of America. Equipment trust obligations or certificates or other secured instruments evidencing an interest in transportation equipment wholly or in part within the United States of America and a right to receive determined portions of rental, purchases or other fixed obligatory payments for the use or purchase of such transportation equipment.

Corporation stock, etc.

(f) Dividend paying stocks or shares of any corporation created or existing under the laws of the United States of America or of any state, District of Columbia, territory or possession of the United States of America; notwithstanding any provisions in this section to the contrary no company may invest more than ten per cent (10%) of its total admitted assets in stocks; and *further provided,* that no company may invest more than three per cent (3%) of its admitted assets in the stock or shares of any one corporation. The restrictions in this section do not apply to shares of Building and Loan or Savings and Loan Associations or Federal Savings and Loan Associations.

First mortgages on real estate, etc.

(g) Loans secured by first mortgages, or deeds of trust, on unencumbered fee simple or improved leasehold real estate in the District of Columbia or in any state, territory or possession of the United States of America, to an amount not exceeding sixty-two and two thirds per cent (66⅔%) of the fair market value of such fee simple or improved leasehold real estate. No loan may be made on leasehold real estate unless the lease has at least thirty years to run before its termination and the loan matures at least twenty years before expiration of the lease. Whenever such loans are made upon fee simple, or improved leasehold real estate which is improved by a building or buildings, the said improvements shall be insured against loss by fire, and the fire insurance policies shall contain a standard mortgage clause and shall be delivered to the mortgagee as additional security for the said loan.

Loans secured by first mortgages which the Federal Housing Administrator has insured or has made a commitment to insure, or invested in mortgage notes or bonds so insured, and neither the limitations of this section nor any other law of this State requiring security upon which loans shall be made, or prescribing the nature, amount or forms of such security, or limiting the interest rates upon loans, shall be deemed to apply to such insured mortgage loans.

Loans secured by first mortgages, or deeds of trust, on unencumbered fee simple real estate in connection with which the Veterans Administration of the United States has guaranteed, or has made a commitment to guarantee, a portion of the loan pursuant to the Service Men's Readjustment Act of one thousand nine hundred and forty-four, and amendments thereto, provided the amount of any such loan, less the portion thereof guaranteed by said Veterans Administration, shall not exceed sixty-six and two thirds per cent (66⅔%) of the fair market value of such real estate.

In all investments made upon mortgages, the evidence of the debt, if any shall accompany the mortgage or deed of trust.

Ground rents.

(h) Ground rents in the District of Columbia or any state of the United States of America, provided, that in the case of unexpired redeemable ground rents the premiums paid, if any, shall be amortized over the period between date of acquisition and earliest redemption date or charged off at any time prior to redemption date; and in the case of expired redeemable ground rents the premium paid, if any, shall be charged off at the time of acquisition. Redeemable ground rents purchased at a discount shall be carried at an amount not greater than the cost of acquisition.

Collateral loans.

(i) Collateral loans secured by pledge of any security named in Subparagraphs a, b, c, d, e, f, g and h; provided that the current market value of such pledged securities shall be at all times during the continuance of such loans at least twenty-five per cent (25%) more than the unpaid balance of the amount loaned on them.

Policy loans.

(j) Loans upon the policies of the company; provided that the total indebtedness against any policy shall not be greater than the loan value of such policy.

Exceptions for ownership of real estate by domestic companies.

(k) No domestic company may directly or indirectly acquire or hold real property except as follows:

Home office.

(1) Such land and buildings thereon in which it has its principal office and such real estate as shall be requisite for the convenient transaction of its own business; the amount invested in such real property shall not exceed ten per centum of the investing company's admitted assets, but the commissioner may

grant permission to the company to invest in real property for such purpose in such increased amount as he may deem proper upon a hearing held before him.

Mortgaged property.

(2) Property mortgaged to it in good faith as security for loans previously contracted for for money due.

Property bought to satisfy debt.

(3) Property conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, decrees, or mortgages obtained or made for such debts.

Incidental to foregoing property.

(4) Additional real property and equipment incident to real property, if necessary or convenient for the purpose of enhancing the sale value of real property previously acquired or held by it under Subsections two and three of this section and subject to the prior written approval of the commissioner.

Property to be leased.

(5) (A) Real estate acquired for the purpose of leasing the same to any person, firm, or corporation, or real estate already leased under the following conditions:

a. (1) where there has already been erected on said property a building or other improvements satisfactory to the purchaser, or (2) where the lessee shall at its own cost erect thereon, free of liens, a building or other improvements satisfactory to the lessor, or (3) where the lessor under the terms and conditions of a lease executed and entered into simultaneously with the purchase of the property agrees to erect a building or other improvements on said property;

b. that the said improvements shall remain on the said property during the period of the lease, and in cases where the said improvements are put upon said property at the cost of the lessee the said improvements at the termination of the lease shall vest, free of liens, in the owner of the real estate;

c. that during the term of the lease the tenant shall keep and maintain the said improvements in good repair. Real estate acquired pursuant to the provisions of this Subsection (A) shall not be treated as an admitted asset unless and until the improvements herein required shall have been constructed and the lease agreement entered into in accordance with the terms of this subsection, nor shall real estate acquired pursuant to this Subsection (A) be treated as an admitted asset in an amount exceeding the amount actually invested reduced each year by equal decrements sufficient to write off at least seventy-five per cent (75%) of the investment at the normal termination of the lease or at the end of thirty years should the term of the lease be for a longer period. The total investments of any company under this Subsection (A) shall not exceed four per cent of its assets, nor more than fifty per cent (50%) of its capital and surplus whichever is less.

(B) Subject to approval of the commissioner, real estate for recreation, hospitalization, convalescent and retirement purposes of its employees. Such investment under this Subsection (B) shall not exceed five per cent (5%) of the company's surplus.

(C) No investment shall be made by any company pursuant to this Subsection (5) which will cause such company's investment in all real property owned or held by it directly or indirectly to exceed ten per cent (10%) of its assets.

(6) It is unlawful for any such incorporated company to purchase or hold real estate in any other case or for any other purpose. Real estate acquired under Subsections (1) and (5) (B) of this section which has ceased to be used or to be necessary for the purposes stated therein shall be sold within five years thereafter, unless the company procures a certificate from the commissioner that the interest of the company will materially suffer by a forced sale of such real estate in which event the time for the sale may be extended to such a time as the commissioner may direct in the certificate. Any real estate acquired under Subsections (2), (3) and (4) of this Section (k) shall be sold within five years after the company has acquired title thereto; *provided,* that the commissioner may in his discretion extend the five year period as provided hereinabove. Any real estate acquired under Subsection (5) (A) of this section shall within five years after the termination or expiration of such lease be sold or re-leased for an additional term pursuant to the provisions of Subsection (5) (A); *provided,* that the commissioner may in his discretion extend the five year period as provided hereinabove. Nothing contained herein prevents any insurance company from improving or conveying its real estate, notwithstanding the lapse of five years without having procured such certificate from the commissioner.

(l) Interest, rents or other fixed income due and accrued on any of the investments named in Subparagraphs a, b, c, d, e, g, h, i, j and k pursuant to regulations promulgated by the commissioner.

(m) To the extent necessary to satisfy the investment requirements as to reserves and minimum required capital, if any, and minimum required surplus, no company shall make any investment in or loan on any of the securities mentioned in this Act, which are in default as to principal or interest or as to which the dividend on the last preceding dividend date has been passed.

II. General Provisions.

(a) The entire reserves of a domestic life insurance company, as used in this section, shall be the sum of:

Net present value of all outstanding policies in force (less reinsurance); reserves for accidental death benefits and total and permanent disability benefits (less reinsurance); present value of supplementary contracts and including dividends left with the company to accumulate at interest; liability on policies cancelled and not included in "net reserve" upon which a surrender value may be demanded, and policy claims and losses outstanding, less amount of net uncollected and deferred premiums. Reserve of domestic life company.

(b) No investment or loan, except loans made on the company's own policies shall be made by any domestic insurer unless the same be authorized or approved by the board of directors, or by a committee appointed by the board and charged with the duty of supervising or making such investment or loan. The minutes of any such committee shall be recorded and a report shall be submitted to the board of directors. Procedure for making loans.

(c) No life insurance company doing business in this State shall make any loan to any director or officer of such insurer, either directly or indirectly; nor shall such insurer make any loan to any other corporation or business unit in which such officer or director is substantially interested; nor shall any such director or officer accept any such loan directly or indirectly. Prohibits loans by life companies to officers and directors.

No director or officer of any such insurance company doing business in this State shall receive any money or valuable thing either directly or indirectly, or through any substantial interest in any other corporation or business unit, for negotiating, procuring, recommending or aiding in any purchase or sale of property or loan from such insurer nor be pecuniarily interested either as principal, co-principal, agent or beneficiary, in any such purchase, sale or loan, nor shall any financial obligation of any such director or officer be guaranteed by such insurer. Prohibiting purchases, sales or loans in which officers or directors are interested financially.

Nothing contained in this section shall be construed as prohibiting a director or officer of any such insurance company or fraternal benefit society from receiving the usual salary, compensation or emoluments for services rendered in the ordinary course of his duties as a director or officer, if such salary, compensation or emoluments be authorized by vote of the board of directors of such insurer, nor as prohibiting the payment to a director or officer of any such insurer who is a licensed attorney at law of a fee or fees in connection with loans made by any such insurer if and when such fees are paid by the borrower and do not constitute a charge against any such insurer; and, provided, that nothing herein contained shall prevent a life insurance corporation from making a loan upon a policy held therein by the borrower not in excess of the net value thereof. Does not prohibit paying salaries to officers and directors, or fees from a borrower to attorney, or making usual policy loans to officers and directors.

A substantial interest in any corporation or business unit is defined to mean an interest equivalent to ownership or control by a director or officer or the aggregate ownership or control by all directors and officers of the same insurance or surety company or fraternal benefit society, of ten per centum or more of the stock of such corporation or business unit.

Commissioner may require appraisal of certain investments.

(d) When any of the investments mentioned in this section and held by any domestic insurer are of doubtful value, or without ascertainable value on a public exchange, unless the company by placing some of them upon the market and obtaining a bona fide offer therefor shall so establish a value, the commissioner shall have the authority to cause the same to be appraised and such appraisement shall be taken to be the true value thereof. In such case, the appraisement shall be made by two disinterested and competent persons, one to be appointed by the commissioner and one to be appointed by the company; in the event these two fail to agree, they shall appoint a third disinterested and competent person and the estimate of the value of such investment as arrived at by these three shall be taken to be the true value thereof.

(e) When any of the investments mentioned in this section shall default in the payment of interest or dividends after having been purchased by the company, such investments shall thereafter be carried at their respective market values or at valuations fixed in accordance with regulations promulgated by the commissioner.

Does not apply to investments made prior to this Act.

(f) The investments made by domestic companies on and after the effective date of this Act shall be in accordance with the provisions of this section, and any investments made prior to the effective date of this Act shall be made to conform to the requirements of this article by not later than three years after the effective date of this section, but the commissioner may, on application by the company, extend the time for such conformance for each period or periods as he may deem proper on the showing made, if he is satisfied that such company will suffer materially by the forced sale of any securities or property not conforming; and the commissioner shall grant a hearing to the company upon request.

Domestic insurance companies can own and operate radio and television stations on certain conditions.

(g) Notwithstanding any provision of this chapter to the contrary, domestic insurance companies may be authorized by their charter to own, maintain and operate radio and television stations; *provided*, no such company may make any investment in the ownership, maintenance and operation of such stations in an amount greater than fifty per cent (50%) of the excess of its surplus over the minimum surplus required for the organization of such company.

III. Other investments; Investments Unlawfully acquired. After satisfying the requirements hereinbefore set forth any funds of any domestic company in excess of the amount of such necessary minimum capital, if any, and minimum required surplus and reserves as defined in Subdivision II (a) of this section shall be invested in such other securities or in any such safe manner as may be approved by the commissioner.

Investment of excess surplus.

Whenever it appears by examination as authorized by law that an insurance company organized under the laws of this State has acquired any investments in violation of the law in force at the date of such acquisition it is the duty of the commissioner to disallow the amount of such investment, if wholly ineligible, or the amount of the value thereof in excess of any limitation prescribed in the law and to deduct such amount as a non-admitted asset of such company. In any determination of the financial condition of any such company such amount shall be deducted as a non-admitted asset of such company.

Deduction of ineligible investments from admitted assets.

IV. Investments of Foreign and Alien Companies.

1. The commissioner may refuse a new or renewal license to any foreign company if he finds that its investments do not comply in substance with the investment requirements and limitations imposed by this section upon like domestic companies wherever authorized to do the same kind or kinds of insurance business.

Commissioner may refuse renewal license to foreign or alien company if its investments do not comply with requirements for domestic companies.

2. No alien company shall be authorized to do business in this State unless its general state deposits and its trusteed assets comply in substance with the requirements and limitations of this section applicable to like domestic companies wherever authorized to do the same kind or kinds of insurance business, except that foreign investments shall be allowed to the following extent only:

Relating to investments of foreign and alien companies.

(a) Bonds, notes or other evidences of indebtedness issued or guaranteed by the government of the country in which such alien company was organized or by any province or other major political subdivision thereof and not in default as to principal or interest in an amount not exceeding the minimum capital required of a domestic stock company wherever authorized to do the same kind or kinds of insurance business.

Exception.

(b) Bonds, notes or other valid and legally authorized obligations issued, assumed or guaranteed by the Dominion of Canada or any province thereof or other political subdivisions, and such securities of corporations of the Dominion of Canada as may be approved by the commissioner which are not in default as to principal or interest not exceeding ten per cent of the total admitted assets of the United States branch of such company.

Investments of fire, casualty and other companies.

58-79.1. Investments; Fire, Casualty and Miscellaneous.

I. Minimum capital investments. Before investing any of its funds in any other classes of securities or types of investments, every domestic stock insurance company other than a life insurance company or a fraternal benefit association, shall to the extent of an amount equal in value to the minimum capital required by law for a domestic stock corporation authorized to transact the same kinds of insurance, invest its funds only in securities of the classes described in this section and which are not in default as to principal or interest. Every domestic mutual insurance company, other than a life insurance company, before investing any of its funds in any other classes of securities or types of investment, shall invest its funds only in such securities to the extent of an amount equal in value to the minimum assets or surplus required of such company by the laws of North Carolina. Investments equal in value to such an amount and of the kind or kinds hereinafter prescribed in this section shall at all times be maintained free and clear from any lien or pledge other than as impressed upon a deposit with any government within the United States or upon trusteed assets held in trust for the security of all its policyholders and creditors. Minimum capital investments of such an insurer shall consist of the following classes of securities and not less than sixty per cent of the total amount of the required minimum capital investments shall consist of the classes specified in Subparagraphs (a) and (b) following:

Bonds of U. S. and its agencies when guaranteed by U. S.

(a) Bonds or other evidences of indebtedness of the United States of America or of any of its agencies when such obligations are guaranteed as to principal and interest by the United States of America.

Bonds of North Carolina, any County, Municipality or District of same.

(b) Bonds, or stocks or other evidences of indebtedness which are direct obligations of the State of North Carolina or of any county, district or municipality thereof.

Bonds of any other State.

(c) Bonds, or other evidences of indebtedness which are direct obligations of any state of the United States.

Real estate first mortgages.

(d) Mortgage loans or deeds of trust as specified in Subparagraph (a) or (c) of Subdivision (6) of Subsection III on property located in this State.

Ground rents.

(e) Ground rents as specified in Subdivision (7) of Subsection III.

II. Reserve investments required.

Reserve investments.

1. After satisfying requirements for minimum capital investments specified in Subsection I, any domestic stock or mutual insurance company other than a life insurance company or a fraternal benefit association, may invest its funds in, or otherwise acquire, or loan upon, only the classes of reserve investments as specified in Subsection III, unless it shall at all times have and maintain cash and such reserve investments (including its minimum capital investments), free from any lien or pledge, which, when valued in accordance with the provisions of this Act, shall be at least equal in amount to fifty per centum of the aggregate amount of its unearned premium and loss reserves as shown by its last sworn statement, annual or quarterly on file with the commissioner. The term "lien or pledge" as used in this subsection shall not include any deposit of securities or cash with any government, nor trusteed assets, held in trust for the benefit or protection of all or any class of the policyholders, or policyholders and creditors, of such insurer.

Investments must be interest bearing or income producing.

2. No securities or other investments shall be eligible for purchase or acquisition under this section unless they are interest bearing or income paying, but defaults in interest or income occurring subsequent to such purchase or acquisition shall not affect the allowance thereof as an admitted asset at the market value thereof unless otherwise specifically provided in this Act.

Certain exceptions.

3. Nothing contained in this subsection shall prohibit the acquisition by an insurer of other securities of property if distributed to it as a dividend or if acquired by it pursuant to a lawful plan of reorganization, or if acquired by it pursuant to a lawful and bona fide agreement of bulk reinsurance or consolidation.

4. Any domestic stock or mutual insurance company other than a life insurance company or a fraternal benefit association, which has investments fully complying with the requirements of Subdivision (1) of this subsection, may acquire investments eligible under the provisions of Subsection IV. Any such insurer whose investments do not fully comply with such requirements may, during a period of ten years from the effective date of this Act, acquire such additional kinds of securities if acquired in substitution for other securities heretofore lawfully acquired by it and if such substitution results in a net reduction in the aggregate amount of the insurer's investments in securities not eligible under Subsection III.

Reserve investments of certain domestic companies.

III. Classes of reserve investments. The reserve investments of every domestic stock and mutual insurance company, other than a life insurance company or a fraternal benefit association, shall consist of the following:

Certain government bonds.

1. Bonds or other evidences of indebtedness, not in default as to principal or interest, which are valid and legally authorized obligations issued, assumed or guaranteed by the United States of America or by any state thereof or by any territory or possession of the United States or by the District of Columbia, or by any county, city, town, village, municipality or district therein or by any political subdivision thereof or by any civil division or public instrumentality of one or more of the foregoing, if by statutory or other legal requirements applicable thereto, such obligations are payable, as to both principal and interest, from taxes levied or by such law required to be levied upon all taxable property or all taxable income within the jurisdiction of such governmental unit or from adequate special revenues pledged or otherwise appropriated or by such law required to be provided for the purpose of such payment, but not including any obligations payable solely out of special assessments on properties benefited by local improvements.

Other obligations.

2. Obligations, other than those eligible for investment under Subdivision (6), issued, assumed, or guaranteed by any solvent institution created or existing under the laws of the United States or of any state, district or territory thereof, which are not in default as to principal or interest, and which are qualified under any of the following paragraphs:

Collateral securities.

(a) Obligations which are secured by adequate collateral security and bear fixed interest and if during each of any three, including the last two, of the five fiscal years next preceding the date of acquisition by such insurer, the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges, as hereinafter defined, shall have been not less than one and one quarter times the total of its fixed charges for such year, or obligations which, at the date of acquisition by such insurer, are adequately secured and have investment qualities and characteristics wherein the speculative elements are not predominant. In determining the adequacy of collateral security, not more than one third of the total value of such required collateral shall consist of stock other than stock meeting the requirements of Subdivision III.

Other fixed interest bearing obligations.

(b) Fixed interest bearing obligations, other than those described in Paragraph (a) if the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges for a period of five fiscal years next preceding the date of acquisition by such insurer shall have averaged per year not less than one and one half times its average annual fixed charges applicable to such period and if during the last year of such period such net earnings shall have been not less than one and one half times its fixed charges for such year.

Contingent interest obligations.

(c) Adjustment, income or other contingent interest obligations if the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges for a period of five fiscal years next preceding the date of acquisition by such insurer shall have averaged per year not less than one and one half times the sum of its average annual fixed charges and its average annual maximum contingent interest applicable to such period and if during each of the last two years of such period such net earnings shall have been not less than one and one half times the sum of its fixed charges and maximum contingent interest for such year.

Definition of obligation.

Within the meaning of this Act the term "obligation" shall include bonds, debentures, notes or other evidences of indebtedness; the term "institution" shall include a corporation, a joint stock association and a business trust. The term "net earnings available for fixed charges" shall mean net income after deducting operating and maintenance expenses, taxes other than Federal and state income taxes, depreciation and depletion, but excluding extraordinary non-recurring items of income or expense appearing in the regular financial statements of the issuing, assuming or guaranteeing institutions. The term "fixed charges" shall include interest on funded and unfunded debt amortization of debt discount, and rentals for leased properties. If net earnings are determined in reliance upon consolidated earnings statements of parent and subsidiary institutions, such net earnings shall be determined after provision for income taxes of subsidiaries and after proper allowance for minority stock interest, if any; and the required coverage of fixed charges shall be computed on a basis including fixed charges and preferred dividends of subsidiaries other than those payable by such subsidiaries to the parent corporation or to any other of such subsidiaries, except that if the minority common stock interest in the subsidiary corporation is substantial, the fixed charges and preferred dividends may be apportioned in accordance with regulations prescribed by the commissioner.

In applying the earnings tests under this Act to any issuing, assuming or guaranteeing institution, whether or not in legal existence during the whole of such five years next preceding the date of investment by such insurer, which has at any time or times during such five year period acquired the assets of any other institution or institutions by purchase, merger, consolidation or otherwise, substantially as an entirety, or has been reorganized pursuant to the bankruptcy law, the earnings of such other predecessor or constituent institutions, or of the institution so reorganized, available for interest and dividends for such portion of such period as shall have preceded such acquisition, or such reorganization may be included in the earnings of such issuing, assuming or guaranteeing institution for such portion of such period as may be determined in accordance with adjusted

or pro forma consolidated earnings statements covering such portion of such period and giving effect to all stocks or shares outstanding and all fixed charges existing, immediately after such acquisition, or such reorganization.

Preferred stocks.

3. Preferred or guaranteed stocks or shares of any solvent institution, created or existing under the laws of the United States or of any state, district or territory thereof, if all of the prior obligations, and prior preferred stocks, if any, of such institution at the date of acquisition by such insurer are eligible as investments under this section; and if qualified under Paragraph (a) or Paragraph (b) following:

Regulations for preferred stock.

(a) Preferred stocks or shares shall be deemed qualified if both of the following requirements are met: (a-1) the net earnings of such institution available for its fixed charges for a period of five fiscal years next preceding the date of acquisition by such insurer shall have averaged per year not less than one and one half times the sum of its average annual fixed charges, if any, its average annual maximum contingent interest if any, and its average annual preferred dividend requirements applicable to such period; and (a-2) during each of the last two years of such period such net earnings shall have been not less than one and one half times the sum of its fixed charges, contingent interest and preferred dividend requirements for such year. The term "preferred dividend requirements" shall be deemed to mean cumulative or noncumulative dividends whether paid or not.

(b) Guaranteed stocks or shares shall be deemed qualified if the assuming or guaranteeing institution meets the requirements of Paragraph (b) of Subdivision (2) of Subsection III construed so as to include as a fixed charge the amount of guaranteed dividends of such issue or the rental covering the guarantee of such dividends.

4. (a) Certificates, notes or other obligations issued by trustees or receivers of any institution created or existing under the laws of the United States or of any state, district or territory thereof, which, or the assets of which, are being administered under the direction of any court having jurisdiction, if such obligation is adequately secured as to principal and interest.

Equipment trust obligations.

(b) Equipment trust obligations or certificates which are adequately secured or other adequately secured instruments evidencing an interest in transportation equipment wholly or in part within the United States and a right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such transportation equipment.

Bank acceptances.

5. Bank and bankers' acceptances and other bills of exchange of the kind and maturities made eligible, pursuant to law, for purchase in the open market by federal reserve banks.

6. (a) Bonds or evidences of indebtedness other than those described in Subdivision (2) of Subsection III which are secured by first mortgages or deeds of trust upon unencumbered fee simple or improved leasehold real property located in the United States. Real property shall not be deemed to be encumbered within the meaning of this section, by reason of the existence of instruments reserving mineral, oil or timber rights, rights of way, sewer rights, rights in walls, nor by reason of any liens for taxes or assessments not yet due, nor by reason of building restrictions or other restrictive covenants, nor when such real property is subject to lease under which rents or profits are reserved to the owner, if in any event the security for such loan is a first lien upon such real property and if there is no condition or right of re-entry or forfeiture, under which such lien can be cut off, subordinated or otherwise disturbed. No such mortgage loan or loans made or acquired by an insurer on any one property shall, at the time of investment by the insurer, exceed two thirds of the value of the real property securing the same. No such mortgage loan or loans shall be made or acquired by an insurer except after an appraisal made by an appraiser for the purpose of such investment. No such mortgage loan made or acquired by an insurer which is a participation or a part of a series or issue secured by the same mortgage or deed of trust shall be a lawful investment under this paragraph unless the entire series or issue which is secured by the same mortgage or deed of trust is held by such insurer or unless the insurer holds a senior participation in such mortgage or deed of trust giving it substantially the rights of a first mortgage. Except as otherwise provided in this Act, no domestic stock or mutual insurance company, other than a life insurance company or a fraternal benefit association, shall invest in or loan upon the security of any one property more than twenty-five thousand dollars or more than two per centum of its total admitted assets, whichever is the greater. In no event shall the total investments of any such insurer in the kinds permitted under this subdivision exceed forty per centum of its total admitted assets.

Purchase money mortgages.

(b) Purchase money mortgages or like securities received by it upon the sale or exchange of real property acquired pursuant to Subdivision (8) of this Subsection III.

Bonds insured by Federal Housing Administration.

(c) Bonds or notes secured by mortgage or trust deed guaranteed or insured by the Federal Housing Administration under the terms of an Act of Congress of the United States of June twenty-seventh, one thousand nine hundred and thirty-four, entitled the "National Housing Act," as heretofore or hereafter amended.

Ground rents.

7. Ground rents in the District of Columbia or any state of the United States of America, *provided,* that in the case of unexpired redeemable ground rents the premium paid, if any, shall be amortized over the period between date of acquisition and rdemption date; and in the case of expired redeemable ground rents the premium paid, if any, shall be charged off at the time of acquisition. Redeemable ground rents purchased at a discount shall be carried at an amount not greater than the cost of acquisition.

Real estate as follows.

8. Real estate only if acquired or used for the following purposes in the following manner:

Home office.

(a) The land and the building thereon in which it has its principal office or offices.

Needed in business.

(b) Such as shall be requisite for its convenient accommodation in the transaction of its business.

Acquired in collecting debt.

(c) Such as shall have been acquired in satisfaction of loans, mortgages, liens, judgments, decrees or other debts previously owing to such insurer in the course of its business.

Exchange for real estate.

(d) Such as shall have been acquired in part payment of the consideration on the sale of real property owned by it, if each such transaction shall have effected a net reduction in the company's investment in real property.

Other real estate incident to foregoing.

(e) Additional real property and equipment incident to real property, if necessary or convenient for the purpose of enhancing the sale value of real property previously acquired or held by it pursuant to the provisions of Paragraph (c) or (d) of this Subdivision (8).

Disposal after approved use disappears.

All real property acquired pursuant to Paragraphs (a) and (b) of this subdivision shall be disposed of within five years after it shall have ceased to be necessary for the convenient accommodation of such insurer in the transaction of its business, and all real property acquired pursuant to Paragraphs (c), (d) and (e) of this subdivision shall be disposed of within five years after the date of acquisition, unless in either case the commissioner shall certify that the interests of the insurer will suffer materially by the forced sale thereof, in which event the time for disposal of such real property may be extended for such time as the commissioner shall prescribe in such certificate. No real property shall be acquired by any domestic stock or mutual insurance company other than a life insurance company or a fraternal benefit association, pursuant to Paragraphs (a), (b), (d) or (e) of this Subdivision (8), except with the approval of the commissioner.

Domestic stock or mutual companies other than life can invest in certain other forms.

9. (a) Any domestic stock or mutual insurance company, other than a life insurance company or a fraternal benefit association, may invest in, or otherwise acquire or loan upon, bonds, notes or other evidences of indebtedness which are valid and legally authorized obligations issued, assumed or guaranteed by the Dominion of Canada or any province thereof and which are not in default as to principal or interest; but the aggregate amount of such investments which are held at any time by any such insurer, together with all Canadian investments held by it pursuant to the following Paragraph (b) shall not exceed ten per cent of its total admitted assets, except where a greater amount is permitted pursuant to the following paragraph (b), in which case the provisions of this subdivision shall not be applicable.

Foreign companies.

(b) Any domestic stock or mutual insurance company, other than a life insurance company or a fraternal benefit association, which is authorized to do business in a foreign country or possession of the United States or which has outstanding insurance or reinsurance contracts on risks located in a foreign country or possession of the United States, may invest in, or otherwise acquire or loan upon securities and investments in such foreign country or possession which are substantially of the same kinds, classes and investment grades as those eligible for investment under the foregoing subdivisions of this subsection; but the aggregate amount of such investments in a foreign country or a possession of the United States and of cash in the currency of such country or possession which is at any time held by such insurer shall not, except as provided in the next preceding Paragraph (a), exceed one and one half times the amount of its reserves and other obligations under such contracts or the amount which such insurer is required by law to invest in such country or possession, whichever shall be greater.

10. Stock and debentures, or either, of any housing company organized under the public housing law of this State, to the extent and upon such conditions as may be authorized by the commissioner, provided all of the stock of such housing company has been or is to be originally issued to one or more insurance companies.

Residue and surplus fund investments.

IV. Residue and Surplus Fund Investments. After satisfying the requirements for minimum capital investments, any domestic stock or mutual insurance company, other than a life insurance company or fraternal benefit association, which has accumulated and maintains reserve investments as required in Subsection II, may invest any portion of the remainder of its funds in, or otherwise acquire or loan upon, any of the classes of investments eligible under Subsection III and any stock or shares, bonds or obligations, including voting trust certificates, certificates of deposit, interim receipts, and other similar instru-

ments representing stock or shares, bonds or obligations eligible hereunder, or in investments in loans made by banks or trust companies secured by the assignment of cash surrender values of at least equal amount, in life insurance policies issued by life insurance companies licensed to do business in the State of North Carolina, except the following prohibited investments:

Investment prohibited in stock of insolvent corporations.

(1) Obligations, stock or other securities of any corporation, association or other business unit which is insolvent at the time of such acquisition or loan, except securities eligible for investment under Subsection III.

Certain real estate mortgages.

(2) Any mortgage or deed of trust, or any real property or any interest therein, which does not come within the class of investments specified in Subdivisions (6) and (7) of Subsection III.

Its own capital stock.

(3) Any capital stock of the investing insurer.

Stocks or bonds of corporations controlled by investing company.

(4) Stocks, bonds or other securities issued by any corporation, if a majority of the outstanding stock of such corporation, or a majority of the stock having voting powers of such corporation is, or will be after such acquisition, directly or indirectly owned by such insurer or by or through one or more of its officers or directors holding the same, for the benefit of such insurer or of its stockholders, or owned by a parent corporation or subsidiary of such insurer, parent corporation or subsidiary thereof, or owned by any combination of the insurer, its parent corporation, its subsidiaries or its stockholders. Nothing contained in this paragraph shall be deemed to prevent any investment in the stock, bonds or other securities of a corporation organized exclusively to hold and operate real estate acquired by such insurer in accordance with and subject to the provisions of Subsection III, nor an investment in the stock of another insurance corporation nor an investment in stocks, bonds or other securities of any corporation which is engaged exclusively in a kind of business properly incidental to the insurance business of such insurer, including an investment in securities of any corporation engaged in the financing of insurance premiums, or in such incidental business and the business of holding and operating real estate.

Securities of corporations other than insurance that have more than 20 per cent of assets invested in insurance companies.

(5) Stocks, bonds or other securities issued by a corporation, other than an insurance corporation, having more than twenty per centum of its assets invested in insurance company stocks directly or indirectly, including proportionate equities or interest in insurance company stocks held through any intermediate subsidiary or subsidiaries of such issuing corporation.

(6) Stocks, bonds or other securities issued by a corporation, other than an insurance corporation, if a majority of the stock having voting powers of such issuing corporation is owned directly or indirectly by or for the benefit of one or more officers or directors of such insurer.

Securities of holding company controlled by officers or directors of investing company.

(7) Foreign investments, meaning stocks or shares, bonds or obligations of any person or governmental or business unit of or in a foreign country or any subdivision thereof, except such as conform substantially with the limitations imposed by this subsection upon like domestic investments; but the aggregate amount of foreign investments held by such insurer under this subdivision of Subsection IV and under Subdivision (9) of Subsection III shall not exceed ten per centum of its total admitted assets or one and one half times the amount of its reserves and other obligations under such contracts or the amount necessary to enable it to establish and carry on an insurance business in such foreign country, directly or through a subsidiary corporation, whichever shall be greater.

Foreign securities that fall below these requirements.

(8) Any investment which is found by the commissioner to be against public policy or designed to evade any prohibition of this Act. Nothing contained herein shall be deemed to prohibit any such insurer from accepting securities, otherwise ineligible, which may be distributed pursuant to any plan of reorganization or dissolution.

Securities against public policy.

V. Limitation of investments. Except as more specifically provided in this Act, no domestic stock or mutual insurance company, other than a life insurance company or fraternal benefit association, shall have more than ten per cent of its total admitted assets invested in, or loaned upon the securities of any one institution; but this restriction shall not apply to the classes of governmental obligations (including those eligible under Paragraph (c), Subdivision (6) of Subsection III) eligible for minimum capital investments of such insurer nor to investments in stocks of other insurance companies. No domestic stock or mutual insurance company, other than a life insurance company or fraternal benefit association shall hereafter acquire any real property of the kind or kinds specified in Paragraphs (a) and (b) of Subdivision (8) of Subsection III, if the value of such real property, together with the value of all such real property then held by it, exceeds ten per centum of its total admitted assets.

Limitation as to investment in securities of a single company.

VI. Disposal or reduction of investments unlawfully acquired. Every domestic stock and mutual insurance company, other than a life insurance company or fraternal benefit association, shall dispose of any investments acquired in violation of the law in force at the date of such acquisition, and in any determination of the financial condition of any such insurer, the amount of the

value of such investments, if wholly ineligible, or the amount of the value thereof in excess of any limitation prescribed in this Act, shall be deducted as an unadmitted asset of such insurer.

VII. Investments of foreign and alien insurers.

Commissioner refuse license to foreign or alien company whose investments do not comply with requirements in this State.

(1) The commissioner may refuse a new or renewal license to any foreign insurer, if he finds that its investments do not comply in substance with the investment requirements and limitations imposed by this Act upon like domestic insurers hereafter organized to do the same kind or kinds of insurance business. The commissioner may recognize like securities of the home state of a foreign insurer as minimum capital investments in lieu of the securities specified in Subparagraphs (b) and (d) of Subsection I.

Must measure up to requirements for domestic companies.

(2) No alien insurer shall be authorized to do business in this State unless its general State deposits and its trusteed assets comply in substance with the requirements and limitations of this Act applicable to like domestic insurers hereafter organized to do the same kind or kinds of insurance business, except that foreign investments shall be allowed to the following extent only:

Investments in securities in company's own country may be accepted.

(a) Bonds, notes or other evidences of indebtedness issued or guaranteed by the government of the country in which such alien insurer was organized or by any province or other major political subdivision thereof and not in default as to principal or interest, may be recognized as reserve investments under Subsection III in an amount not exceeding the minimum capital required of a domestic stock insurer hereafter organized to do the same kind or kinds of insurance business.

(b) Bonds, notes or other valid and legally authorized obligations issued, assumed or guaranteed by the Dominion of Canada or any province thereof which are not in default as to principal or interest may be included in the trusteed assets of such alien insurer in an amount not exceeding ten per cent of the total admitted assets of the United States branch of such insurer.

VIII. Valuation of investments.

Regulations for valuation of investments.

(1) The investments of every stock and mutual insurance company, other than a life insurance company or a fraternal benefit association, authorized to do business in this State, except securities subject to amortization and except as otherwise provided in this Act, shall be valued, in the discretion of the commissioner, at their market value, or at their appraised value, or at prices determined by him as representing their fair market value, or at their appraised value, or at prices determined by him as representing their fair market value. If the commissioner finds that in view of the character of investments of any such insurer authorized to do business in this State it would

be prudent for such insurer to establish a special reserve for possible losses or fluctuations in the values of its investments, he may require such insurer to establish such reserve, reasonable in amount, and may require that such reserve be maintained and reported in any statement or report of the financial condition of such insurer. The commissioner may, in connection with any examination or required financial statement of an authorized insurer require such insurer to furnish him a complete financial statement and audited report of the financial condition of any corporation of which the securities are owned wholly or partly by such insurer and may cause an examination to be made of any subsidiary or affiliate of such insurer.

Valuation of stock of insurance company.

(2) The stock of an insurance company shall be valued at its book value as shown by its last annual statement or the last report on examination, whichever is more recent. The book value of a share of common stock of an insurance company shall be ascertained by dividing (a) the amount of its capital and surplus less the value of all of its preferred stock, if any, outstanding, by (b) the number of shares of its common stock issued and outstanding. Notwithstanding the foregoing provisions, an insurer may, at its option, value its holdings of stock in a subsidiary insurance company in an amount not less than acquisition cost if such acquisition cost is less than the value determined as hereinbefore provided.

Valuation of real estate.

(3) Real estate acquired by foreclosure or by deed in lieu thereof, in the absence of a recent appraisal deemed by the commissioner to be reliable, shall not be valued at an amount greater than the unpaid principal of the defaulted loan at the date of such foreclosure or deed, together with any taxes and expenses paid or incurred by such insurer at such time in connection with such acquisition (but not including any uncollected interest on such loan), and the cost of additions or improvements thereafter made by such insurer and any amount or amounts thereafter paid by such insurer on any assessments levied for improvements in connection with the property.

Valuation of purchase money mortgages.

(4) Purchase money mortgages shall be valued in an amount not exceeding the acquisition cost of such real property or ninety per cent of the value of such real property, whichever is less.

Valuation of stock of subsidiary company.

(5) The stock of a subsidiary of an insurer shall be valued on the basis of the value of only such of the assets of such subsidiary as would constitute lawful investments for the insurer if acquired or held directly by the insurer.

Valuation of accrued interest, dividends and rent.

IX. Interest, Dividends and Rent. In any determination of the financial condition of every stock and mutual insurance company, domestic or foreign, other than a life insurance company or a fraternal benefit association, authorized to do business in

this State, amounts due to such insurer may be allowed as an admitted asset of such insurer as follows:

Interest on bonds.

(1) Interest due or accrued on any bond or evidence of indebtedness qualifying as an admitted asset which is not in default and which is not valued on a basis including accrued interest.

Dividends on stock.

(2) Declared and unpaid dividends on stocks and shares unless such amount has otherwise been allowed as an admitted asset.

Interest on collateral loans.

(3) Interest due or accrued upon a collateral loan in an amount not to exceed one year's interest thereon.

Interest on bank deposits.

(4) Interest due or accrued on deposits in solvent banks and trust companies, and interest due or accrued on other admitted assets if such interest is in the judgment of the commissioner a collectible asset.

Interest on real estate mortgages.

(5) Interest due or accrued on any real estate mortgage loan which is an admitted asset, in amount not exceeding in any event the amount, if any, obtained by subtracting the amount of the principal remaining unpaid from the value of the property less delinquent taxes thereon; but if any interest on such loan is in default more than eighteen months, or if any interest on such loan is in default and any taxes or any installment thereof on such property are and have been due and unpaid for more than eighteen months, no allowance shall be made for any interest on such loan.

Rent.

(6) Rent due or accrued on real property if such rent is not in arrears for more than three months.

X. The provisions of Subdivision II (c) of Section fifty-eight - seventy-nine shall apply to all insurance companies doing business in this State.

(5) Insert the following section:

Investments by title insurance companies.

58-134.1. Investment of Capital. Any real estate title insurance company having a capital stock of more than fifty thousand dollars, may, with the consent of the commissioner, after investing fifty thousand dollars of the capital, as provided in this chapter, invest not to exceed one fourth of the total capital stock in abstract or title plants; and no such company shall guarantee or insure in any one risk more than forty per cent of its combined capital and surplus without first having the approval of the commissioner of North Carolina, which approval shall be endorsed upon the policy.

(6) Amend Section fifty-eight - eighty-one by changing the period in line seven to a semicolon and inserting immediately thereafter the following words "*Provided*, that in no event shall the said capital stock be reduced to an amount less than that required upon organization of such company in Section fifty-eight - seventy-seven."

(7) Amend Section fifty-eight - eighty-two by striking out in line three after the word "than" the words "three fourths of" and inserting in lieu thereof the words "the amount required in Section fifty-eight - seventy-seven for."

(8) Amend Section fifty-eight - eighty-three as follows:

(a) Strike out in line two after the word "under" the words "this article" and insert in lieu thereof the words "the provisions of this chapter."

(b) Insert in line four after the word "surplus" the words "over and above the minimum required by law."

(9) Amend Section fifty-eight - eighty-five by striking out in the first nine lines the words "No stock company organized under this article may pay a cash or stock dividend except from its actual net surplus computed as required by law in its annual statements, nor may any such company which has ceased to do new business of insurance divide any portion of its assets, except surplus, to its stockholders, until it has performed or canceled its policy obligations."

(10) Insert a new section as follows:

Regulations covering payment of dividends by domestic companies.

58-85.1. Payment of dividends. Each domestic insurance company in North Carolina shall be restricted by the commissioner from the payment of any dividends to its stockholders whenever the commissioner determines from examination of such company's financial condition that the payment of future dividends would impair the financial soundness of the company or be detrimental to its policyholders, and that such restrictions shall continue in force until such future date when the commissioner may specifically permit the payment of dividends to stockholders by the company through a written authorization. Nothing contained in this section and no action taken by the commissioner shall in any way restrict the liability of stockholders under the preceding section.

(11) Amend Section fifty-eight - eighty-eight as follows:

(a) Strike out in lines seventeen and eighteen before the word "dividend" in line eighteen the words "a semi-annual" and insert in lieu thereof the words "an annual."

(b) Strike out in lines eighteen and nineteen beginning in line eighteen after the word "than" the words "three and one half" and insert in lieu thereof the word "eight."

(12) Repeal Section fifty-eight - ninety-two and insert in lieu thereof the following:

Relating to organization of mutual insurance companies.

58-92. Mutual insurance companies organized; requisites for doing business. No policy may be issued by a mutual company until the president and the secretary of the company have certified under oath that every subscription for insurance in the list presented to the commissioner for approval is genuine, and made with an agreement with every subscriber for insurance that he will take the policies subscribed for by him within thirty days after the granting of a license to the company by the commissioner to issue policies.

(13) Repeal Section fifty-eight - ninety-three and insert in lieu thereof the following:

Officers and employees, who pass on insurance risk, must be paid fixed salary instead of commissions on business issued.

58-86.1. Certain officers debarred from commissions. No officer or other person whose duty it is to determine the character of the risk, and upon whose decision the application shall be accepted or rejected by an insurance company, shall receive as any part of his compensation a commission upon the premiums, but his compensation shall be a fixed salary and such share in the net profits as the directors may determine. Nor shall such officer or person be an employee of any officer or agent of the company.

(14) Amend Section fifty-eight - ninety-four by striking out in the caption the word "fire."

(15) Amend Section fifty-eight - ninety-five as follows:

(a) Strike out in the caption the word "fire."

(b) Strike out in line one after the word "mutual" the word "fire."

(16) Amend Section fifty-eight - ninety-six as follows:

(a) Strike out in the caption the word "fire."

(b) Strike out in line one after the word "mutual" the word "fire."

(c) Strike out in line two after the word "this" the words "article, or a mutual fire" and insert in lieu thereof the words "chapter, in lieu of the contributed surplus required for the organization of mutual companies under the provisions of Section fifty-eight - seventy-seven, or a mutual."

(d) Strike out in line twelve before the word "dividend" the words "a semiannual" and insert in lieu thereof the words "an annual."

(e) Strike out in line thirteen before the words "per centum" the words "three and one half" and insert in lieu thereof the word "eight."

(f) Strike out in lines thirty-one, thirty-two, thirty-three and thirty-four, beginning in line thirty-one after the word "surplus" the words "shall be retired when the permanent fund of the company equals two per centum of the amount insured upon all policies in force, and."

(g) Strike out in lines thirty-seven and thirty-eight before the word "reserve" in line thirty-eight, the word "reinsurance."

(h) Strike out in line five after the word "than" the word "two" and insert in lieu thereof the word "three."

(i) Strike out in line nine after the word "of" the word "certain."

(j) Strike out at the beginning of line seventeen the words "for reinsurance."

(17) Repeal Section fifty-eight - ninety-seven and insert in lieu thereof the following:

Regulations for paying certain dividends.

58-97. Dividends to policyholders. Any participating or dividend paying company, other than life, may declare and pay a dividend to policyholders from its surplus which shall include only its surplus in excess of any required minimum surplus. No such dividend shall be paid unless fair and equitable and for the best interests of the company and its policyholders. In declaring any dividend to its policyholders, any such company may make reasonable classifications of policies expiring during a fixed period, upon the basis of each general kind of insurance covered by such policies and by territorial divisions of the location of risks by states, except that in fixing the amount of dividends to be paid on each general kind of insurance, which dividends shall be uniform in rate and applicable to the majority of risks within such general kind of insurance, exceptions may be made as to any class or classes of risks and a different rate or amount of dividends paid on such class or classes if the conditions applicable to such class or classes differ substantially from the conditions applicable to the kind of insurance as a whole. Every such company shall have an equal rate of dividend for the same term on all policies insuring risks in the same classification. The payment of dividends to policyholders shall not be contingent upon the maintenance or renewal of the policy. All dividends shall be paid to the policyholder unless a written assignment thereof be executed. Neither the payment of dividends nor the

rate thereof may be guaranteed by any company, or its agent, prior to the declaration of the dividend by the board of directors of such company. The holders of policies of insurance issued by a company in compliance with the orders of any public official, bureau or committee, in conformity with any statutory requirement or voluntary arrangement, for the issuance of insurance to risks not otherwise acceptable to the company shall be entitled to dividends at the same rate as other policyholders of the company.

Relating to contingent liability of members for payment of losses and expenses.

58-97.1. Contingent liability of policyholders. Every insurance company shall in its bylaws and policies prescribe the contingent liability if any of its members for the payment of losses, reserves and expenses not provided for by its assets, which contingent liability shall be in accordance with the provisions of Section fifty-eight - seventy-seven. Each member is liable for the payment of his proportionate share of any assessments made by the company in accordance with the law, his contract and the bylaws of the company on account of losses incurred while he was a member, if he is notified of such assessment within one year after the expiration of his policy. When any reduction is made in the contingent liability of members, it shall apply proportionately to all policies in force.

58-97.2. Contingent liability printed on policy. Every insurance company licensed to do business in this State shall print upon the filing face of its policies in clear and explicit language the full contingent liability of its members.

Regulations of issuance of nonassessable policies by foreign and alien companies.

58-97.3. Nonassessable policies; foreign or alien companies. No foreign or alien insurance company shall be licensed to issue in this State nonassessable policies unless it has a free surplus equal in amount to that required of a domestic insurance company, writing the same kind or kinds of insurance, and in addition thereto has fully complied with the requirements of the government under which it was organized; and no foreign or alien insurance company may be licensed to do business in this State to issue assessable policies if it issues nonassessable policies in any other state or country unless all policies shall state that any assessment shall be for the exclusive benefit of holders of policies which provide for such a contingent liability and the holders of policies subject to assessment shall not be liable to assessment in an amount greater in proportion to the total deficiency than the ratio that the deficiency attributable to the assessable business bears to the total deficiency.

(18) Amend Section fifty-eight - ninety-eight by inserting in line three before the word "organized" the words, "other than life,".

(19) Amend Section fifty-eight - ninety-nine as follows:

(a) Strike out in line one after the word "director" the words "or other" and insert in lieu thereof a comma.

(b) Insert in line one after the word "officer" the words "or agent."

(c) Strike out in line two before the word "insurance" the word "fire."

(20) Amend Section fifty-eight - one hundred as follows:

(a) Strike out in line two before the word "insurance" the word "fire."

(b) Strike out in line three before the word "reserve" the word "reinsurance."

(21) Repeal Section fifty-eight - one hundred and one.

(22) Repeal Section fifty-eight - one hundred and two.

(23) Repeal Section fifty-eight - one hundred and seven and insert in lieu thereof the following:

"Assessment plan" to be printed on application and policy if subject to assessment.

58-107. "Assessment plan" printed on application and policy; waiver by commissioner. Every policy or certificate issued to a resident of the State by any corporation transacting in the State the business of life insurance upon the assessment plan, or admitted to do business in this State on the assessment plan, shall print in bold type near the top of the front page of the policy, upon every policy or certificate issued upon the life of any such resident of the State, the words "issued upon the assessment plan"; and the words "assessment plan" shall be printed conspicuously upon every application, circular, card, and any and all printed documents issued, circulated, or caused to be circulated by such corporation within the State.

(24) Amend Section fifty-eight - one hundred and nine as follows:

(a) Strike out in lines twenty-two to thirty-three inclusive, the words "Such companies, associations, orders, or societies now doing business in this State and not issuing policies or certificates for more than two hundred dollars, shall be permitted to deposit five hundred dollars on the first day of July, one thousand nine hundred and thirteen, and five hundred dollars each six months thereafter until the required amount is deposited; and the last named association when hereafter organized may be allowed by the insurance commissioner to make such deposit in like installments."

(b) Strike out in line thirty-nine before the word "adjacent" the word "two" and insert in lieu thereof the word "three."

(25) Amend Section fifty-eight - one hundred and ten by striking out the last sentence thereof beginning in line twenty-six and containing the following words: "The provisions of this section do not apply to associations, orders, or fraternal benefit societies operating in not more than two adjacent counties in the State and paying a benefit of not exceeding two hundred dollars, but the amount to be deposited by said societies is within the discretion of the insurance commissioner, but must be not less than one hundred dollars."

(26) Insert a new section as follows:

Prohibiting future organization of domestic mutual life companies to issue assessable policies.

58-112.1. Mutual life insurance companies; assessments prohibited. No domestic mutual life insurance company shall, after the effective date of this article, be organized to issue any policy of life insurance or any annuity contract which provides for the payment of any assessment by any policyholder or member in addition to the regular premium charged for such insurance; nor shall any such company have power to levy or collect any such assessment. No foreign or alien life insurance company shall be permitted to do business in this State if it does business, in this State or elsewhere, on such or any other assessment plan.

(27) Amend Section fifty-eight - one hundred and thirty-nine by striking out in the last line thereof the words "twenty-five" and inserting in lieu thereof the words "one hundred."

(28) Amend Section fifty-eight - one hundred and forty-three by striking out in line thirteen before the word "thousand" the words "twenty-five" and inserting in lieu thereof the words "one hundred."

(29) Repeal Section fifty-eight - one hundred and forty-eight and insert in lieu thereof the following:

58-148. Application of other sections. Except as otherwise provided in this article, and except where the context otherwise requires, all of the provisions of this chapter relating to all insurers and those relating to insurers transacting the same kind or kinds of insurance which reciprocal insurers are permitted to transact, shall be applicable to reciprocal insurers authorized to do business in this State. Where any of such sections refer to a corporation, company or insurer, the same, when read in connection with and applicable to this article shall be deemed to mean a reciprocal insurer.

(30) Amend Section fifty-eight - one hundred and ninety-four by striking out in lines one and two after the word "submit" in line one, the word "annually."

(31) Amend Section fifty-eight - sixty-three as follows: Change in line eleven, of Subsection three after the word "dollars" the semicolon to a period and strike out in lines eleven, twelve, thirteen, fourteen and fifteen the words "also, to defray the expense of computing the value of the policies of domestic life insurance companies, one cent for every thousand dollars of the whole amount insured by its policies so valued."

(32) Repeal Section fifty-eight - sixty-four.

(33) Repeal Section fifty-eight - one hundred and sixty-four and insert in lieu thereof the following:

Prohibits a person to serve as agent of unlicensed company.

58-164. Uniform unauthorized insurers Act. (a) No person, corporation, association or partnership shall in this State act as agent for any insurer not authorized to transact business in this State, or negotiate for or place or aid in placing insurance coverage in this State for another with any such insurer.

Prohibits a person from aiding an unlicensed company to do or obtain business.

(b) No person, corporation, association or partnership shall in this State aid any unauthorized insurer in effecting insurance or in transacting insurance business in this State, either by fixing rates, by adjusting or investigating losses, by inspecting or examining risks, by acting as attorney in fact or as attorney for service for process, or otherwise, except as provided in Paragraph (e) hereof.

(c) No person, corporation, association or partnership shall make, negotiate for or place, or aid in negotiating for or placing any insurance contract in this State for another who is an applicant for insurance covering any property or risk in another state, territory or district of the United States with any insurer not authorized to transact insurance business in the state, territory or district wherein such property or risk or any part thereof is located.

(d) The provisions of the three foregoing paragraphs do not apply to contracts of reinsurance, or to contracts of insurance made through authorized surplus line agents or authorized surplus line brokers as provided in Sections fifty-eight - fifty-three point one, fifty-eight - fifty-three point two and fifty-eight - fifty-three point three, nor do they apply to any insurer not authorized in this State, or its representatives, in investigating, adjusting losses or otherwise complying in this State with the terms of its insurance contracts made in a State wherein the insurer was authorized; *provided*, the property or risk insured under such contract at the time such contract was issued was located in such other state. A motor vehicle used and kept garaged principally in another state shall be deemed to be located in such state.

By transacting business in this State an unlicensed company thereby makes Commissioner its process agent.

(e) (1) The transacting of business in this State by a foreign or alien insurer without a license and the issuance or delivery by such foreign or alien insurer of a policy or contract of insurance to a citizen of this State or to a resident thereof, or to a corporation authorized to do business therein, is equivalent to an appointment by such insurer of the commissioner and his successor or successors in office, to be its true and lawful attorney, upon whom may be served all lawful process in any action, suit or proceeding arising out of such policy or contract of insurance, and the said insurance or delivery is a signification of its agreement that any such service of process is of the same legal force and validity as personal service of process in this State upon it.

Procedure in serving process in certain cases.

(2) Such service of process shall be made by delivering and leaving with the commissioner or to some person in apparent charge of his office two copies thereof and the payment to him of such fees as may be prescribed by law. The commissioner shall forthwith mail by registered mail one of the copies of such process to the defendant at its last known principal place of business, and shall keep a record of all such process so served upon him. Such service of process is sufficient provided notice of such service and a copy of the process are sent within ten days thereafter by registered mail by plaintiff's attorney to the defendant at its last known principal place of business, and the defendant's receipt, or receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow. However, no plaintiff or complainant shall be entitled to a judgment by default under this Subparagraph (2) until the expiration of thirty days from date of the filing of the affidavit of compliance.

Process agents.

(3) Service of process in any such action, suit or proceeding shall in addition to the manner provided in the preceding Subparagraph (2) be valid if served upon any person within this State who, in this State on behalf of such insurer, is

a. soliciting insurance, or

b. making any contract of insurance or issuing or delivering any policies or written contracts of insurance, or

c. collecting or receiving any premium for insurance; and a copy of such process is sent within ten days thereafter by registered mail by plaintiff's attorney to the defendant at the last known principal place of business of the defendant, and the defendant's receipt, or the receipt issued by the post office with

which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

d. Nothing in this Paragraph (e) shall limit or abridge the right to serve process, notice or demand upon any insurer in any other manner now or hereafter permitted by law.

An unauthorized insurer must procure license before it can maintain suit arising out of its business in this State.

(f) No unauthorized insurer shall institute or file, or cause to be instituted or filed, any suit, action or proceeding in this State to enforce any right, claim or demand arising out of the transaction of business in this State until such insurer shall have obtained a license to transact insurance business in this State. Nothing in this subsection shall be construed to require an unauthorized insurance company to obtain a certificate of authority before instituting or filing, or causing to be instituted or filed, any suit, action or proceeding either in connection with any of its investments in this State or in connection with any contract issued by it at a time when it was authorized to do business in the state where such contract was issued.

Before pleading in a suit against it, an unauthorized insurer must file bond or procure license.

(g) (1) Before any unauthorized insurer shall file or cause to be filed any pleading in any action, suit or proceeding instituted against it, such unauthorized insurer shall either (a) file with the clerk of the court in which such action, suit or proceeding is pending a bond with good and sufficient sureties, to be approved by the court, in an amount to be fixed by the court sufficient to secure the payment of any final judgment which may be rendered in such action; or (b) procure a license to transact the business of insurance in this State.

(2) The court in any action, suit or proceeding in which service is made in the manner prescribed in Subparagraphs (2) and (3) of Paragraph (e) may order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with the provisions of Subparagraph (1) of this Paragraph (g) and to defend such action.

(3) Nothing in Subparagraph (1) of this Paragraph (g) shall be construed to prevent an unauthorized insurer from filing a motion to quash a writ or to set aside service thereof made in the manner provided in Subparagraphs (2) and (3) of Paragraph (e) on the ground either (a) that no policy or contract of insurance has been issued or delivered to a citizen or resident of this State or to a corporation authorized to do business therein, or (b) that such insurer has not been transacting business in this State, or (c) that the person on whom service was made pur-

suant to Subparagraph (3) of Paragraph (c) was not doing any of the acts enumerated therein.

Violation constitutes misdemeanor.

(h) Any person, corporation, association or partnership violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five hundred dollars.

(i) This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(j) This section may be cited as the "Uniform Unauthorized Insurers Act."

Does not apply to relief, pension or annuity plans of common carriers and others.

SEC. 1½. This Act shall not apply to common carriers having relief departments, pension or annuity plans, or other organizations or associations for the benefit of their employees or former employees; or to associations of such common carriers administering such departments, plans or organizations.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Constitutionality.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not effect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 138 CHAPTER 387

AN ACT TO FIX FEES FOR THE SOLICITOR, JURORS, AND COURT STENOGRAPHER, TO BE TAXED IN BILLS OF COSTS BY THE CLERK; TO FIX JURORS' COMPENSATION; AND TO FIX THE FEES, COSTS, AND COMMISSIONS TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1.

Fees to be collected by the Clerk of Superior Court of Forsyth County.

A. Fees, costs, and commissions to be charged and collected by the Clerk of Superior Court of Forsyth County for services rendered by him shall be as hereinafter set out: *Provided*, that when a fee, cost, or commission is not fixed herein such fee, cost or commission shall be charged as set out in Chapter four

hundred and twenty-two of the Public-Local Laws of one thousand nine hundred and thirty-nine if provided for therein; if not, then as set out in the General Statutes of North Carolina, and the fees, costs, and commissions herein set out shall be charged and collected by the clerk and paid over to Forsyth County not later than the fifth of each month as provided by law.

Fees to be included in bills of costs.

B. The solicitor's fees, jury tax, and court stenographer's fees, as hereinafter set out, shall be taxed by the clerk in the bills of costs and collected as provided by law.

C. All costs, commissions, and fees for services rendered as provided by the clerk in all civil actions, criminal actions, and special proceedings pending in the Superior Court of Forsyth County on the date of ratification of this Act shall be computed, charged, and collected as herein provided, the parties to be given credit for the fees, costs, and commissions theretofore paid in any such action or special proceeding.

Certain services for which Clerk shall not charge any fees.

SEC. 2. The clerk shall not charge any fee for the following services:

Administering certain oaths.

A. Administration of oath to the following officials of the City of Winston-Salem and Forsyth County: constable, county commissioner, registrar, register of deeds, deputy register of deeds, sheriff, deputy sheriff, judge of superior court, judge of municipal court, assistant judge of municipal court, member board of aldermen, chief of police, commissioner for any drainage or sanitary district, member board of elections, judge, or other election official, postmaster, tax supervisor, tax collector, judge juvenile court, tax assessor, solicitor or assistant solicitor for any municipal court or of the Eleventh Judicial District, member of draft board, appeal agent for draft board, and examining physicians for draft board.

B. Certificate with seal to Federal or State authorities for a parole supervisor.

C. Execution of extradition papers.

D. Administration of oath or issuing certificate with seal for a person acting on any board or in any capacity because of the war emergency; administration of oath and issuing certificate will seal for commitment to Caswell Training School, State Sanatorium, or like institutions; and witnessing with seal the endorsement of a Confederate pension check; administration of oath and use of seal for the benefit of the county or any of its departments except in actions in superior court and special proceedings.

Justification on certain official bonds.

E. Taking justification on bond of any public official of Forsyth County for the faithful performance of his official duties, when the bond is payable to Forsyth County or to the State of North Carolina.

F. Proceeding for separation of child under six months of age from its mother.

G. Proceeding for commitment of insane persons, epileptics, or idiots to a Federal, State or private institution, including notices, et cetera.

Certain fees to be paid when services rendered.

SEC. 3. All fees herein set out, with the exception of those chargeable in criminal matters, those chargeable to the plaintiffs in pauper actions, and those chargeable to the Federal government, the State government, a municipality, or any agency of said governments, are to be paid at the time services are rendered, or at the time same may be computed as herein set out; and there is to be no refund of any fees or costs except in the case of qualification of the public administrator, when he determines there are no assets in the estate whatsoever. In that case the clerk shall refund the qualification fee and any other fee paid by the public administrator, and said refund shall be charged to the account of fees earned by the office and due the county.

In the case of a pauper action, the fees and costs are payable immediately upon rendition of judgment by the person adjudged to pay such fees and costs; and in the case of a Federal government, State government, municipality, or any agency of any of said governments, statement for fees or costs due shall be rendered to either of them immediately upon the performance of any service in its behalf.

SEC. 4. Commissions to be charged by the clerk on trusts and other funds received by him.

A. Funds for minors, insane persons, idiots, lunatics, or anyone adjudged by law as incompetent to handle his property:

Funds of incompetents.

No commissions shall be charged on a fund of less than five hundred dollars, and no commission shall be charged on the earnings of any fund, but a five per cent commission shall be charged on the whole of a fund of five hundred dollars or more, or where the total to be received is five hundred dollars or more, even though it is paid in under an order of court.

Funds for upkeep of cemeteries.

B. Funds for upkeep of graves and cemeteries:

No commission shall be charged on a fund of less than five hundred dollars, and no commission shall be charged on the earnings of any fund, but a five per cent commission shall be charged on the whole of a fund of five hundred dollars or more, even though it is paid in under an order of court.

C. Funds for heirs, distributees, et cetera: Funds for heirs and distributees.

Five per cent commission shall be charged on all funds for heirs, distributees, and legatees; on surplus from sale of land by a trustee or other person; and on stocks, even though the money is paid or the property is delivered to the clerk under an order of court: *Provided*, the provisions of this subsection shall not apply to heirs, distributees, or other persons who by law are incompetent to manage their property.

D. Increased bids, payments on or in full of judgments, decrees, executions, and tenders in pending actions: Increased bids, etc.

No commission is to be charged on these funds unless they come within the provisions of Paragraphs A and B of Section four.

E. Other funds: Other funds.

No commission shall be charged on other funds received by the clerk by virtue of his office when the total amount paid or to be paid is less than five hundred dollars; but when the total amount paid or to be paid is five hundred dollars or more, then the clerk shall charge five per cent commission on the whole of said funds.

F. Transfer of a fund from minor trusts to miscellaneous trusts or from miscellaneous trusts to minor trusts shall be made when necessary without further commission.

SEC. 5. Court costs. Court costs.

A. Civil actions in superior court (to be paid at time action is instituted):

(The following fees include the issuance of all summonses in said actions).

1. For divorce, alimony, and annulment: Divorce suits.

(a) Uncontested: Total clerk's fee through rendition and docketing of judgment	$11.00
Process tax	4.00
Jury tax (minimum)	3.00
	$18.00

The fee of eighteen dollars ($18.00) includes the certificate and seal on one copy of judgment, but does not include the copying of the judgment.

(b) Contested: The same fee of eighteen dollars as in an uncontested case, plus jury tax of three dollars per hour for each hour or fraction thereof over one, and plus fee for stenographer when used. The same provision for certifying one copy of the judgment applies.

Claim and delivery, etc.

2. In claim and delivery, attachment, garnishment, arrest and bail, or any other action with an ancilliary remedy:

All plaintiffs and one defendent, total clerk's fee through rendition and docketing of judgment, twenty dollars, plus process tax, plus two dollars for each additional defendant, and plus jury tax if tried, and stenographer's fee if used.

Tort suit, etc.

3. Suit on note, in tort, caveat to will, writ of mandamus, certiorari, recordari, or any other civil action when an ancilliary remedy is not resorted to and not herein named:

All plaintiffs and one defendant, total clerk's fees through rendition and docketing of judgment fifteen dollars, plus process tax, and plus jury tax if tried, and stenographer's fee if used; each additional defendant, two dollars.

Tax suits.

4. Tax and street assessment suits:

All plaintiffs and all defendants, total clerk's fee, including all auditing fees in connection therewith, eighteen dollars.

Pauper cases.

5. Pauper cases:

The same fees and costs are taxable as set out in the preceding paragraphs, but are not to be paid at the time services are rendered. They are due and payable as set out in Section three.

Habeas corpus.

6. Habeas corpus:

Total clerk's fee through rendition and docketing of judgment, five dollars, plus process tax.

Confession of judgment.

7. Confession of judgment:

Total clerk's fee through rendition and docketing of judgment, five dollars.

8. Jury tax and stenographer's fees:

Same as in criminal actions.

9. Appeals (these fees are not charged in any total fee above):

Appeals.

(a) From justice of the peace to the superior court, five dollars, plus process tax.

(b) From superior court to the supreme court, including certificate and seal, two dollars.

(c) From juvenile court (civil or criminal) to the superior court, five dollars, plus process tax.

Removal of case.

10. Removal of a case to any court in another county or to the Federal court:

The regular fees for making up or verifying, and certifying the record, since all other costs have been included in the flat fees for cases hereinabove set out.

11. Exemplification of record, two dollars for all certificates, plus fees for verification or making up the record as the case may be.

B. Criminal actions: Criminal actions.

1. Upon the trial of any criminal case wherein the defendant is adjudged to pay the costs, the clerk shall tax as his total fee for each defendant in each case, whether tried alone or with other defendants, or when cases are consolidated for trial, the sum of five dollars.

2. Solicitor's fees: Solicitor's fee.

(a) First degree arson, first degree burglary, first degree murder, and rape, forty dollars for each defendant in each case.

(b) Burning property, second degree burglary, second degree murder, assault with intent to commit rape, manslaughter, crime against nature, housebreaking, larceny and receiving, receiving stolen goods, perjury, violating the prohibition law, embezzlement, false pretense, highway robbery, manufacturing liquor, forgery, assault with intent to kill, assault with a deadly weapon inflicting serious damage, and other felonies not enumerated, thirty dollars for each defendant in each case.

(c) Assault with deadly weapon, abandonment, carrying concealed weapon, malicious injury to property, nonsupport, resisting officer, bastardy, cruelty to animals, disturbing graves, disposing of mortgage property, fornication and adultery, operating an automobile intoxicated, reckless driving, and larceny (where value of property does not exceed fifty dollars), and other major misdemeanors not enumerated, twenty dollars for each defendant in each case.

(d) Simple assault, giving worthless check, speeding, vagrancy, violating automobile law, forcible tresspass, and other minor misdemeanors not enumerated, ten dollars for each defendant in each case.

Provided: That in any case wherein the jury is not impaneled, the solicitor's fee shall be one half of the regular fee as set out in Paragraphs (b), (c) and (d), and *provided further,* in all cases wherein the defendant is permitted to plead guilty to a lesser charge or is convicted of a lesser charge, the solicitor's fee shall be that of the lesser charge.

Judgment.

3. Judgment nisi and sci fa:

Judgment nisi and issuing sci fa for defaulting witness's juror, or surety on bail bond or recognizance, two dollars for each person. This fee includes recording on minutes, docketing, and indexing.

4. Jury:

Impaneling of jury, no fee.

5. Jury tax:

Jury tax in civil or criminal actions tried in superior court, three dollars for each hour or fraction thereof, time to be computed from beginning of selection of jury until the verdict is rendered by said jury. Minimum fee, three dollars and maximum fee, fifteen dollars per day.

Jury.

6. Stenographer's fee:

One dollar for each hour or fraction thereof used, time to be computed from the time the jury is impaneled through the judge's charge of the jury. Minimum fee, two dollars.

Stenographer.

SEC. 6. Fiduciaries.

1. Definition:

Fiduciaries.

When the word fiduciary is used in this Act, it shall include any person, association of persons, whether incorporated or not, administering any trust or estate as executor, administrator, administrator cum testamento annexo, administrator cum testamento annexo de bonis non, administrator de bonis non, collector, surviving partner, commissioner, guardian, trustee for any incompetent or insane person, trustee under any will, trustee under any instrument in which property may be sold, or any other person appointed by the clerk or any other court to administer a trust or an estate that shall come under the jurisdiction of the clerk, or when the clerk is required by law or order of any court to supervise the administration of an estate or to audit the inventories and accounts filed by any such person.

2. Accounting costs:

Accounting costs.

A. For each executor, administrator, administrator de bonis non, administrator cum testamento annexo, administrator cum testamento annexo de bonis non, collector, surviving partner, guardian, trustee for an incompetent, trustee under will, receiver, or other fiduciary required by law to file an inventory and then an account or accounts similar to those of the fiduciaries already named, fees due the clerk shall be computed at the rate of thirty cents for each one hundred dollars, or fraction thereof, of the sums determined by the following formulae and the definitions following the formulae:

For the ninety-day inventory, thirty-day inventory, or similar inventory (any such inventory being hereinafter called a permanent inventory) S = P

For an annual, semiannual, quarterly, interlocutory, or other similar account of receipts and disbursements (any such account being hereinafter called an annual account) S = N I ¼ P

For any other written report received by the clerk and reflecting new principal value (as defined below under N) whether such report is filed by such fiduciary or by the North Carolina Department of Revenue S = N

The meanings of the letters S, P, I and N in the above formulae are hereby defined as follows:

S represents the sum upon which the fee of thirty cents for each one hundred dollars, or fraction thereof, shall be charged. If the appropriate formula shows S to be between zero and five hundred dollars, S shall be considered zero and no fee charged. When S is five hundred dollars to one thousand dollars, inclusive, S shall be considered one thousand dollars, and when S exceeds one hundred thousand dollars, S shall be considered one hundred thousand dollars only.

P, in general terms, represents the value of all principal assets for which such fiduciary is accountable without instituting a special proceeding, when the total value of the real and personal property of the estate exceeds five hundred dollars. For the permanent inventory and first annual account P shall be the value of such assets as properly shown by the permanent inventory. For each annual account after the first, P shall be the value of such assets as properly shown by the inventory portion of the annual account preceding. In no case where a permanent inventory, or the inventory section of an annual account, includes anticipated incomes shall such income be included in computing P.

N represents (1) new principal assets for which the fiduciary is accountable without instituting a special proceeding, and/or (2) increases in permanent - inventory - values of previously reported principal assets, and/or (3) what would have been computed as P (if this Act had been law when the permanent inventory was filed) in the permanent inventory of a fiduciary to whom this Subhead A applies, and who is serving on the date of ratification of this Act, and who has filed his permanent inventory but has not filed his final report prior to that date, and/or (4) receipts by a fiduciary arising from an accounting filed by him as such fiduciary in a special proceeding, and/or (5) advancements or gifts to the estate for any purpose from person, firm or corporation, and/or (6) principal assets not previously charged on due to underestimation of value. As to Num-

ber (3) herein, same shall be included in the computation of N only in the next accounting filed by the fiduciary after this Act becomes law.

I represents income received during an accounting period in cash or in kind.

The fees herein prescribed shall constitute complete payment to the clerk for all of the following for which fees might have fallen due after the ratification of this Act, accountings, auditing same, petitions, orders by the clerk, reports of sale, increased bids, confirmations, postage used by the clerk, hearings had by the clerk relative to accountings, findings of fact by the clerk, affidavits, all necessary recording, all certified copies of letters issued after qualification of the fiduciary, all oaths before the clerk on any papers mentioned in this paragraph, and all papers normally necessary in the orderly settlement of the matters involved, with the exception of notices, subpoenas and citations, and certified copy of all or a part of the records of an estate to another county, or for any other purpose, and an exemplified copy of a will, probate, et cetera to be recorded in another state, and a certified copy of a will, probate, et cetera to be recorded in another county in North Carolina or for any other purpose.

A trustee under a will or other fiduciary succeeding himself or another as fiduciary for the same assets, shall be subject to these fees as if there had been no predecessor fiduciary. No final report fee shall be collected unless N, as defined above, shall appear therein. Each fee shall be collected upon the filing of the permanent inventory, annual account, or other report from which it arises.

As to a permanent inventory which includes assets whose value is undetermined at the time of filing said inventory, fees shall be computed on the basis of the value of assets whose value is determined at that time; and when determination of value of other assets is consummated, additional fees shall be collected to equalize the total fees with the fees collectible if valuation of all assets had been determinable at the time of filing said inventory.

In the event no representative qualifies to administer a surviving pertnership upon the death of a partner, when an estate involves a partnership upon the assets of which the law provides for a surviving partner or collector to qualify and administer, fees shall be collected by the clerk from the estate involved, said fees to be equivalent to the fees collectible under the provision of this Subhead A, if a surviving partner or collector had qualified and filed a permanent inventory and a final report and had not filed either a report showing N, as defined above, or an annual account.

The preceding two paragraphs shall apply to all fiduciaries of the type to which this Subhead A applies who have not been discharged on or prior to ratification of this Act.

B. For each accounting of a commissioner appointed to sell either real or personal property, and for each accounting of any other fiduciary specially licensed to sell property for which such fiduciary would not be accountable without instituting a special proceeding, there shall be a fee charged in the bill of costs, said fee to be thirty cents for each one hundred dollars, or fraction thereof, of the gross sale price. Said fee shall be the same whether said accounting is to be recorded or not, and whether or not said accounting is to be included in the regular accounting of a fiduciary for assets for which he would be accountable without instituting a special proceeding. Said fee shall cover auditing, recording if necessary, postage, hearings had by the clerk regarding the accounting, and oath before the clerk if necessary. In no instance shall said fee be less than three dollars or more than three hundred dollars.

Foreclosure fees.

C. The following fees shall apply in foreclosure proceedings under deeds of trust, mortgage deeds, or other instruments requiring such proceedings:

Final.

Initial fee of three dollars, to be collected upon the filing with the clerk of the first paper relative to such proceeding.

Final fee, to be collected upon the filing with the clerk of the final report of receipts and disbursements if the gross sale price of the property foreclosed exceeds one hundred dollars, said fee to be thirty cents per hundred dollars, or fraction thereof, of the gross sale price. In no instance shall said final fee exceed fifty dollars.

For each foreclosure proceeding said initial fee and final fee shall cover any and all of the following: preliminary report, increased bids, orders of resale, reports of resale, confirmation, final report of receipts and disbursements, affidavits, assignments of bids, oaths to affidavits and reports before the clerk, postage, hearings had by the clerk relative to the foreclosure proceeding, necessary recording, indexing, docketing, and any other of the clerk's services normally incident to such a proceeding, except probate fees on conveyances incident thereto.

For foreclosure proceedings pending on the date this Act becomes law, and in which final reports have not been filed prior to such date, the total fees collected by the clerk (exclusive of probate fees) shall conform to the total which would be collected if the foreclosure in question had been instituted in the clerk's office on or after such date.

Appointment fees.

3. Appointment costs:

A. With corporate surety five dollars, including original letter and all copies thereof.

B. With personal surety five dollars, plus two dollars for each surety tendered and investigated. This fee includes the original letter and all copies thereof.

Inventory of lock box.

4. Fees for inventory of lock box or other place of deposit:

A. Two dollars for each hour or fraction thereof, minimum fee, two dollars.

B. One dollar for each hour or fraction thereof for stenographer, if used, for the taking and transcribing of the inventory.

Renunciation.

5. Renunciation of right:

No fee.

Substitution of trustee.

6. Substitution of trustee in foreclosure:

Clerk's fee, one dollar, which includes probate.

Reopening estate.

7. Reopening of any estate—including petition and order, necessary letters, final report and discharge—five dollars. If for new assets, then auditing fee shall apply in addition. Minimum fee, five dollars.

Jurors.

SEC. 7. Jurors' compensation:

A. Regular, tales and special veniremen when sworn and used in the superior court shall be entitled to the sum of two dollars and fifty cents per day and mileage for one round trip each week at the rate of five cents per mile.

B. The following jurors shall be entitled to the sum of one dollar and twenty-five cents per day or fraction thereof and mileage for one trip each week at the rate of five cents per mile.

1. Coroner's jurors.

2. Jurors summoned to serve in special proceeding hearings before the clerk.

3. Regular, tales and special veniremen when summoned but not sworn and used.

C. Grand jurors shall be entitled to the sum of four dollars per day and mileage for one round trip each week at the rate of five cents per mile.

The compensation fixed for jurors in Paragraphs A and B may be increased by the board of county commissioners to an amount not to exceed three dollars per day.

SEC. 8. Process tax: Process tax.

There shall be levied a process tax of two dollars subject to all the provisions of General Statutes of North Carolina Chapter one hundred and five, Section ninety-three, as hereafter amended; that said process tax is to be paid to the general fund of Forsyth County and credited as fees and costs earned by the clerk.

SEC. 9. Wills (executed, holograph, and nuncupative): Wills.

Certificate of receipt, application for probate, examination of witnesses, one verified copy of will to executor, order of probate, indexing, notices to beneficiaries, and recording will, first seven pages of entire record, ten dollars.

For each additional page of record or fraction thereof, one dollar.

Minimum fee, ten dollars.

Filing in office of clerk of superior court for safekeeping, one dollar.

Filing dissent (to be paid by estate), one dollar.

Codicil to abovenamed wills:

Certificate of receipt, application for probate, examination of witnesses, one verified copy of codicil to executor, order of probate, indexing, notices to beneficiaries, and recording, entire fee provided codicil does not exceed one page, three dollars.

Each additional page, one dollar.

SEC. 10. Special proceedings.

I. Ex parte:

A. For assets, partition, or deed of assignment:

In all ex parte proceedings for sale of land to create assets or for partition of real or personal property, there shall be paid at the time the proceeding is instituted the sum of five dollars, which is the total fee to be charged by the clerk if the sale price or the valuation set by the commissioners is five hundred dollars or less. If the sale price or the valuation set by the commissioners exceeds five hundred dollars, then there shall be paid an additional clerk's fee of twenty-five cents on the hundred dollars or fraction thereof in excess of five hundred dollars. This fee shall be the total clerk's fee, and shall pay for all services rendered by the clerk in said proceeding. Special proceedings.

B. Sale of personal property:

In all ex parte proceedings for the sale of personal property by a fiduciary, there shall be paid at the time the proceeding is

instituted the sum of five dollars, which shall be the total clerk's fee in such proceeding.

C. Change of name:

Entire proceeding before the clerk, including certificate with seal as to change, five dollars for each person.

D. Transfer of funds to foreign jurisdiction:

Entire proceeding before the clerk, including recording, ten dollars.

E. Legitimation proceeding:

Including certified copy of order with seal, five dollars for each person.

F. Adoption proceeding:

Seven dollars and fifty cents, plus the fees herein provided for order and notice of publication when used.

G. Competency proceeding:

(1) Proceeding to declare person incompetent, fifteen dollars, plus jury tax of ten dollars.

(2) Proceeding to declare person competent, fifteen dollars, plus jury tax of five dollars.

(3) Commitment of an inebriate or drug addict to a Federal, State, or private institution, total clerk's fee, five dollars, plus sheriff's fee, transportation charges, and other charges incident thereto.

H. Widow's Year's allotment:

(1) Docketing report of allotment and rendering judgment for deficiency under General Statutes thirty - fifteen, sixteen and seventeen, one dollar, to be paid by representative of estate or by widow if no qualification on estate.

(2) Entire proceeding under General Statutes thirty - nineteen, twenty and twenty-one, fifteen dollars, to be paid by representative of estate or by widow if no qualification on estate.

(3) Appeal from allotment, total clerk's fee, five dollars.

I. Widow's dower:

The same fees and costs apply as are set out for proceedings to create assets or for partition, the value of the dower to be the basis for the computation of the fees and costs.

J. Condemnation proceedings:

The same fees and costs as for adverse special proceedings for partition or to create assets: *Provided*, the fifty cents for each hundred over five hundred dollars is to be charged on the damages assessed by commissioners rather than on valuation.

II. Adverse:

A. For assets, partition or assignment for benefit of creditors:

In all adverse proceedings, whether to create assets or for partition, or under deed of assignment, there shall be paid at the time proceeding is instituted the sum of ten dollars, which is the total fee to be charged by the clerk if the sale price or the valuation set by the commissioners is five hundred dollars or less. If the sale price or the valuation set by the commissioners exceeds five hundred dollars, then there shall be paid an additional clerk's fee of fifty cents on the hundred dollars, or fraction thereof, in excess of five hundred dollars. This fee shall be the total clerk's fee, and shall pay for all services rendered by the clerk in said proceeding. If it shall appear to the clerk that there will be an unreasonable delay in the completion of a proceeding, the clerk may in his discretion compute his fees and costs as herein provided at any time he deems it advisable after the sale of any tract or tracts or after a division of a part of the land, and may require same to be paid without waiting until the proceeding has been completed.

SEC. 11. The following individual fees are chargeable where no total or aggregate total fee has been fixed, or where such total or aggregate fee is not used.

Acknowledgment.

1. Acknowledgments, twenty-five cents for each person, including each private examination of a wife. (In case of probate, add probate fee).

Advertising.

2. Advertising and selling property, either real or personal, under a mortgage deed, deed of trust, or chattel mortgage given in lieu of bond, five per cent of the sale price, minimum fee, five dollars. This fee does not include auctioneer's fee, but the clerk is hereby authorized to pay a reasonable auctioneer's fee from the proceeds of the sale.

Affidavit.

3. Affidavit, twenty-five cents, including jurat, except affidavits on inventories, annual and final accounts of fiduciaries, and affidavits taken for Forsyth County.

Apprentices.

4. Apprentices:

A. Apprenticing infant, including indenture, five dollars ($5.00);

B. Order apprentice or master to appear before court, two dollars ($2.00).

5. Automobile tax report, no charge.

Bonds.

6. Bonds (other than fiduciary):

A. Taking of, including justification of each surety, one dollar, plus one dollar for investigation of each person tendered as surety.

B. Approval—certificate and seal—fifty cents.

C. Filing and indexing bond required of a college, including certificate to State department, two dollars.

D. Photographer's bond (or other bond of similar nature) filing and indexing, two dollars.

Certificate.

7. Certificate, twenty-five cents, except when discharging fiduciary bondsmen. If the certificate is written by the clerk, fifty cents for each page or fraction thereof in addition to the twenty-five cents for the certificate.

Corporate certificates.

8. Corporations:

A. Corporation certificate, certificate of credit union, and certificate of cooperative association, recording, first four pages three dollars, including the certificate of Secretary of State, plus fifty cents for each additional page or fraction thereof. Minimum fee three dollars.

Amendments.

B. Amendment to corporation certificate, certificate of credit union, or certificate of cooperative association, the same charge as that of the original of these certificates, with a minimum fee of three dollars.

Dissolution.

C. Certificate of dissolution, recording and indexing, one dollar.

Commission.

9. Commission, including commission to take deposition, with seal, two dollars.

Separation agreement.

10. Deed of separation, taking acknowledgment of husband and wife or either of them, with special examination of wife, and including probate of deed, two dollars.

Execution.

11. Execution on money judgment, regular form, one dollar and fifty cents, including docketing the return.

Execution against person.

12. Execution against the person, five dollars for each person, which includes hearing on motion for execution, issuance, and docketing return.

Execution for specific property.

13. Execution for specific property, two dollars and fifty cents, including docketing of the return.

14. Execution for possession of property, two dollars and fifty cents, including docketing of the return. Possession of property.

15. Filing fee—no charge.

16. Hearing before clerk, two dollars for each hour or fraction thereof, minimum fee, two dollars. Hearing.

17. Lis pendens, docketing notice of and cancelling, including indexing, one dollar for first page, with fifty cents for each additional page or fraction thereof. Lis pendens.

18. Lien, recording, including indexing, minimum fee three dollars, which covers three pages, with fifty cents for each additional page or fraction thereof. Liens.

19. Maiden name, restoring after absolute divorce, one dollar. Restoring maiden name.

20. Notary public, qualifying, indexing, and notification to Governor, one dollar. Notary Public.

21. Postage—no charge. Postage.

22. Newspapers, for filing and indexing all papers necessary in complying with General Statutes one - five hundred and ninety-seven, five hundred and ninety-eight, clerk's fee one dollar. Newspapers.

23. Registration certificates: nurses, architects, chiropodists, chiropractors, medical doctors, dentists, optometrists, osteopaths, and all other persons required to be registered in the same manner, including seal, one dollar. Registration certificates.

24. Orders not otherwise provided for, whether signed by judge or clerk, one dollar. Orders.

25. Naturalization:

A. Receiving and filing declaration of intention and issuing a duplicate thereof, five dollars.

B. Making, filing, and docketing a petition for citizenship, and issuing a certificate of issuance authorized by court and for final hearing on the petition, five dollars. Petition for citizenship.

26. Partnership, filing and indexing regular and limited partnership, two dollars. Partnership.

27. Pistol permit, taking affidavits of two persons and issuing permit, with seal, two dollars. Pistol permit.

28. Probate of any instrument (except a will), fifteen cents for each certificate passed on. Probate.

29. Process agent, filing and recording, one dollar, except in estates. Process agent.

Privy examination of wife.

30. Privy examination of wife, twenty-five cents for each person acknowledging instrument, either husband, wife, or single person, plus probate fee.

Publication of notice.

31. Publication, taking and filing affidavit, issuing notice and order, minimum fee two dollars. (The notice and order need not be recorded).

32. Recording, not otherwise provided for, fifty cents for each page or fraction thereof.

Searching record.

33. Searching records, two dollars per hour, minimum fee two dollars.

34. Transcript:

Recording transcript from Justice Peace.

A. Recording transcript of judgment from justice of the peace, regular form, one dollar; long form, one dollar for first page and fifty cents for each additional page or fraction thereof.

Recording transcript from other county.

B. Recording transcript of judgment from another county "the same fee charged for filing, docketing and indexing a transcript of judgment in the office of the clerk of the superior court of the county from which the transcript is sent to Forsyth County." General Statutes one - two hundred and thirty-six.

Issuing transcript.

C. Issuing transcript of judgment, regular form, one dollar (which includes the issuance of certificate of satisfaction).

D. Issuing transcript of judgment, long form, one dollar and fifty cents for first page, plus fifty cents for each additional page or fraction thereof, minimum fee one dollar and fifty cents (which includes the issuance of certificate of satisfaction).

Transcript.

E. Issuing transcript of any matter of record or paper on file, one dollar for first page with fifty cents for each additional page, plus fee for certificate and seal if needed. Minimum fee, one dollar.

Appointment of Referee.

35. Referee, appointment by clerk or judge, one dollar.

Seal.

36. Seal of office, twenty-five cents.

Subpoena.

37. Subpoena in criminal or civil action, no charge.

Sheriff's levy.

38. Sheriff's levy, docketing, and indexing, one dollar for the first page, plus fifty cents for each additional page or fraction thereof. Minimum fee, one dollar.

Verification of record.

39. Verification of any paper on record or file, fifty cents for each page or fraction thereof. This fee does not include certificate and seal.

40. Witness certificate including jurat—no fee.

41. Recognizance, each person where no bond is taken, fifty cents.

42. Registration, alien, one dollar.

Clerk not responsible for losses.

SEC. 12. The Clerk of the Superior Court of Forsyth County shall not be liable for losses sustained by anyone by reason of the provisions of this Act if he has exercised reasonable care and good faith in complying with the provisions hereof.

Applies only to Forsyth County.

SEC. 13. That this Act shall apply only to Forsyth County.

Conflicting laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 15. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 304 CHAPTER 388

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND SEVENTEEN, AS AMENDED, RELATING TO PROCESS AGENTS, JURY TRIALS AND APPEALS OF THE RECORDER'S COURT OF WHITE OAK, BUCKHORN, CEDAR FORK, AND LEESVILLE TOWNSHIPS, WAKE COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to a certain Recorders Court in Wake County.

SECTION 1. Chapter two hundred and eighty-two of the Public-Local Laws of one thousand nine hundred and seventeen, as amended, is hereby further amended as follows:

(1) Amend Section sixteen by inserting between the word "action" and the word "in" in line one, the words, "or the defendant or prosecuting attorney for the State in criminal actions,"; and by adding a new sentence at the end thereof to read as follows:

All jurors, as provided in this section, shall receive as compensation one dollar ($1.00) per day.

(2) Insert a new section therein to be numbered Section sixteen and one half, to read as follows:

Relating to appeals to Superior Court of Wake County.

SEC. 16½. Appeals may be taken from said court to the Superior Court of Wake County in term time, for errors assigned in matters of law, in the same manner as now provided for appeals from the superior court to the Supreme Court, with the exception that the record may be typewritten instead of printed, and only one copy thereof shall be required. The time for taking

and perfecting appeals shall be counted from the end of the term. Upon such appeal the superior court may either affirm or modify the judgment of said court or remand the cause for a new trial. From the judgment of the superior court an appeal may be taken to the Supreme Court. All appeals from said court to the Superior Court of Wake County shall be tried de novo in the superior court.

(3) Amend Section nineteen by adding at the end thereof, the following:

Appointment of special process officer and one assistant by Judge.

The recorder of said court shall have the power to appoint a special process officer and one assistant special process officer. The process officers so appointed shall have the power to serve all process, civil or criminal, issuing from said court with the same effect as if served by the Sheriff of Wake County or any township constable, and shall have the same powers and duties and be subject to the same penalties generally applicable to township constables. The said special process officers shall take the oath required of constables and before entering upon their duties shall file a bond with the court in the sum of five hundred dollars ($500.00) payable to the State of North Carolina to the use of the court for the faithful performance of their duties. The terms of such special process officers shall end at the expiration of the term of the recorder appointing them unless earlier revoked by the said recorder.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 426 CHAPTER 389

AN ACT TO AMEND SECTION ONE HUNDRED AND ONE - TWO OF THE GENERAL STATUTES SO AS TO PERMIT A PARENT TO PETITION FOR THE CHANGE OF HIS CHILD'S NAME IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and one - two of the General Statutes is hereby amended by rewriting said Section to read as follows:

Procedure for changing name of a person.

SEC. 101-2. Procedure for changing name; petition; notice. A person who wishes, for good cause shown, to change his name, must file his application before the clerk of the superior court of the county in which he lives. If the person whose name it is

desired to be changed is under the age of twenty-one years, such person's father or mother may file the petition. When the petition is filed by the mother, ten days notice must be given to the father, and if the petition is to be filed by the father, ten days notice must be given to the mother. In any procedure to change the name, ten days notice of the application must first be published at the courthouse door of the county in which the proposed change is to take place.

Applies only to Mitchell County.

SEC. 2. This Act shall apply only to Mitchell County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 443 CHAPTER 390

AN ACT TO PROVIDE THAT THE PUBLIC SCHOOLS OF CURRITUCK COUNTY SHALL BE OPERATED DURING CERTAIN WINTER MONTHS ON EASTERN STANDARD TIME IN FORCE PRIOR TO THE TWENTIETH OF JANUARY, ONE THOUSAND NINE HUNDRED AND FORTY-TWO.

The General Assembly of North Carolina do enact:

Time schedule for schools in Currituck County.

SECTION 1. The public schools of Currituck County shall be operated during the months of November, December, January, and February of each year on Eastern Standard Time as the same was in force and effect prior to the twentieth of January, one thousand nine hundred and forty-two.

Applies only to Currituck County.

SEC. 2. This Act shall apply only to Currituck County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 470 CHAPTER 391

AN ACT RELATING TO THE SELECTION AND TERM OF OFFICE OF MEMBERS OF THE BOARD OF EDUCATION OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter three hundred forty-one of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby amended by striking out all of Section three and inserting in lieu thereof, the following:

Selection of Board of Education of Granville County.

SEC. 3. That in the year one thousand nine hundred and forty-six and quadrennially thereafter there shall be nominated by the qualified voters of the entire county two members of the Board of Education of Granville County and in the year one thousand nine hundred and forty-eight and quadrennially thereafter there shall be nominated by the qualified voters of the entire county three members of the Board of Education of Granville County. One of said members shall be a resident of Oxford Township; one of a district composed of Sassafras Fork and Salem Townships; one from a district composed of Fishing Creek and Brassfield Townships; one from a district composed of Dutchville and Hally Ho Townships; and one from a district composed of Walnut Grove and Oak Hill Townships.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 532 CHAPTER 392

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF SPRING HOPE TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE TOWN WHEN A PLEA OF GUILTY IS TENDERED.

The General Assembly of North Carolina do enact:

Providing procedure for handling certain traffic violations in Spring Hope.

SECTION 1. That the Board of Commissioners of the Town of Spring Hope may, by ordinance, provide a traffic bureau to accept pleas of guilty and otherwise handle the following traffic violations within the town:

Parking over the allowed time.

Parking between one A. M. and six A. M.

Parking more than twelve inches from the curb.

Parking within twenty-five feet of a street corner.

Parking within fifteen feet of a fire hydrant.

Parking in a non-parking space.

Illegal use of loading zones, bus stops, and taxi stands.

Parking at entrance of alley or driveway.

Parking left side of curb.

Double parking.

Not displaying proper lights.

Making U turn in street where prohibited.

Illegal left or right turn.

Disregard of stop sign.

Not displaying town license.

Obstructing traffic.

SEC. 2. That any person receiving a citation for any of the above offenses who desires to plead guilty to such violation shall pay through the traffic bureau the following amount as partial payment of the court costs for such violation:

All overtime parking, one dollar ($1.00).

All other offenses listed above, for the first offense—one dollar ($1.00); for the second offense—three dollars ($3.00).

SEC. 3. That any person cited by the Police Officers of the Town of Spring Hope to appear before such traffic bureau for a violation of any offense listed above may submit thereto a plea of guilty to such violation and pay the sum or sums provided therefor. Such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve months' period.

SEC. 4. That no State tax shall be paid to the State of North Carolina in the cases enumerated in this Act.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 533 CHAPTER 393

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO RELEASE ITS INTEREST AND THOSE OF THE PUBLIC IN GENERAL IN CERTAIN LAND IN GUILFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Authorizing Greensboro to convey certain lands.

SECTION 1. That the City of Greensboro is authorized and empowered to relocate the southeastern property line of County Club Drive West of LaFayette Avenue in the City of Greensboro, and abandon as a public street that part of County Club Drive as it now exists which is South or Southeast of the new southeastern property line of Country Club drive as so relocated, and the Mayor and City Clerk of the City of Greensboro are authorized and empowered, for and on behalf of and in the name of the City of Greensboro, to execute such deeds or other instruments as may be necessary to release the rights, titles and interests of the City of Greensboro and of the public in general in and to that part of Country Club Drive as it now exists which is so abandoned.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 539 CHAPTER 394

AN ACT TO REQUIRE ALL JUSTICES OF THE PEACE IN CUMBERLAND COUNTY TO FURNISH A SURETY BOND CONDITION UPON THE FAITHFUL PERFORMANCE OF THEIR DUTIES AND ACCOUNTING FOR ALL FINES, PENALTIES, FORFEITURES AND PROVIDING THAT FAILURE TO MAKE REPORT REQUIRED BY LAW A MISDEMEANOR.

The General Assembly of North Carolina do enact:

Requiring all Justices of Peace in Cumberland County to furnish bond.

SECTION 1. That all Justices of the Peace in Cumberland County holding office and those who may hereafter be appointed justices of the peace be, and are hereby, required to file with the Clerk of the Superior Court of Cumberland County a bond secured in a sufficient amount by a reputable and solvent surety, indemnity, or guaranty company authorized to do business in North Carolina. Such bond shall be approved by the clerk of the superior court.

SEC. 2. That said county bond shall be in a sum of not less than five hundred dollars ($500.00) and shall contain conditions or requirements that it shall be responsible for the faithful performance of all duties required to be performed by the justice of the peace; for the faithful and prompt accounting and paying over to the proper officials all of the fines, forfeitures, penalties, and other funds, or moneys, required to be accounted for and paid over by justices of the peace and for the rendering of all accounts and reports to the proper officials as required by law of justices of the peace.

Amount of bond to be $500.00.

SEC. 3. Any justice of the peace who fails to file any report required by the General Statutes of North Carolina shall be guilty of a misdemeanor and be punished in the discretion of the court.

Failure to file any required report constitutes misdemeanor.

SEC. 4. This Act shall apply only to Cumberland County.

Applies only to Cumberland County.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 549 CHAPTER 395

AN ACT TO INCORPORATE THE REEVES CEMETERY IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this Act the Reeves Cemetery in Peak Creek Township in Ashe County, North Carolina, near the Charles Reeves Ford on the South Fork of New River, surrounded by the lands of Lon Reeves, be and the same is hereby incorporated under the style and name of The Reeves Cemetery.

Incorporation of Reeves Cemetery in Ashe County.

SEC. 2. The management and control of said cemetery shall be under a board of trustees, to consist of not less than three trustees, to be elected by the majority of persons who have deceased relatives buried in said cemetery at a meeting to be held at said cemetery on the first Saturday in June, one thousand nine hundred and forty-five, and every three years thereafter.

To be managed by board of trustees elected by relatives of persons buried in said cemetery.

SEC. 3. Paul Reeves, J. A. Reeves, Waldon Colvard, B. B. Colvard and Bettie McEwen James are hereby named as trustees for said cemetery until their successors have been duly elected.

Names of initial trustees.

Duties and powers of trustees.

SEC. 4. That said trustees as herein named and those hereafter elected shall have the management and control of said cemetery and shall be empowered to receive gifts and donations to be used and expended in the upkeep and beautification of said cemetery, and said trustees shall have all such powers, duties and rights as trustees of eleemosynary institutions are now vested by law.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 558 CHAPTER 396

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO PROFESSIONAL BONDSMEN IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to professional bondsmen in Cumberland County.

SECTION 1. That Section six of Chapter three hundred sixteen of the Public-Local Laws of one thousand nine hundred and forty-three is hereby amended by striking out the period at the end of said section and adding in lieu thereof a semicolon and inserting the following:

Nor shall this Act apply to duly licensed corporations owning real estate located in Cumberland County of the value of one thousand ($1,000.00) or more dollars.

Applies only to Cumberland County.

SEC. 2. That this Act shall apply only to Cumberland County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 566 CHAPTER 397

AN ACT RELATING TO THE PREPAYMENT OF COUNTY TAXES IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Providing deductions for prepayment of taxes in Halifax County.

SECTION 1. All taxes assessed or levied by Halifax County shall be due and payable on the first day of September of the year in which they are so assessed or levied, and if actually paid in cash:

(1) On or before the first day of October next, after due and payable, there shall be deducted a discount of two per cent (2%).

(2) After the first day of October and on or before the first day of November next, after due and payable, there shall be deducted a discount of one per cent (1%).

(3) After the first day of November and on or before the first day of December, after due and payable, there shall be deducted a discount of one half of one per cent (½ of 1%).

(4) After the first day of December and on or before the first day of February next, after due and payable, the tax shall be paid at par or face value.

(5) After the first day of February and on or before the first day of March next, after due and payable, there shall be added to the tax a penalty of one per cent (1%).

(6) After the first day of March and on or before the first day of April next, after due and payable, there shall be added to the tax a penalty of two per cent (2%).

(7) On and after the second day of April the penalty shall be, in addition to said two per cent (2%), one half of one per cent (½ of 1%) per month or fraction thereof until paid from said date on the principal amount of such taxes, which shall continue to accrue on taxes not included in a certificate of sale and all taxes included in a certificate of sale shall continue to accrue until the date of such certificate.

Conflicting laws repealed.

SEC. 2. The provisions contained in Section one hundred and five - three hundred and forty-five of the General Statutes applicable to the payment of taxes levied or assessed by Halifax County are hereby repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 570 CHAPTER 398

AN ACT TO AMEND SECTION FOURTEEN - ONE HUNDRED AND NINETY-SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE USE OF PROFANE OR INDECENT LANGUAGE ON PUBLIC HIGHWAYS IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to use of profane or indecent language on public roads of Transylvania County.

SECTION 1. Amend Section fourteen - one hundred and ninety-seven of the General Statutes of North Carolina by striking out the word "Transylvania" as the same appears in the twelfth or last line of said section.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 580 CHAPTER 399

AN ACT TO AMEND CHAPTER SIXTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATING TO THE MANAGEMENT AND CONDUCT OF THE AFFAIRS OF OAKDALE CEMETERY COMPANY.

The General Assembly of North Carolina do enact:

Amending law relating to Oakdale Cemetery Company.

SECTION 1. That the word "January" being the third word in line five of Section one of Chapter sixty-nine of the Private Laws of one thousand nine hundred and thirty-one be and the same is hereby stricken out and repealed, and the word "March" is hereby substituted in lieu thereof.

SEC. 2. That Section two of Chapter sixty-nine of the Private Laws of one thousand nine hundred and thirty-one be and the same is hereby stricken out and repealed and hereafter said Section two shall be and read as follows:

Relating to conduct of corporation.

SEC. 2. That the directors of the said corporation may, from time to time, in their discretion, appoint in lieu of the trustees, as now provided by the charter of the company, one or more banks or trust companies, authorized by law to do a general trust business, as trustee or trustees of the perpetual agreement fund of said cemetery, and if, in their discretion, they do so elect to appoint such banks or trust companies as trustees, said new trustee or trustees shall have and possess, and shall be subject to, the powers and duties of the present trustees, and the pres-

ent trustees of said perpetual agreement fund are hereby dircted to turn over to the said banks or trust companies as trustees, when appointed, all the securities, bonds, notes, mortgages, other papers and cash on hand, that they have in their possession, and said banks or trust companies shall give the present trustees a receipt in full for same, which shall operate as a release and discharge of said present trustees of any liability for said funds or securities.

SEC. 3. That all laws and clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

H. B. 600 **CHAPTER 400**

AN ACT TO PROVIDE FOR THE RESIGNATION OF CERTAIN GUARDIANS AND TRUSTEES FOR MINORS AND PERSONS ADJUDGED INCOMPETENT TO MANAGE THEIR PROPERTY, AND TO PROVIDE FOR THE ADMINISTRATION BY THE CLERK OF SUPERIOR COURT OF FORSYTH COUNTY OF AN ESTATE FOR A MINOR OR PERSON ADJUDGED INCOMPETENT TO MANAGE HIS PROPERTY WHEN SUCH PERSON DOES NOT OWN ANY PROPERTY OTHER THAN CASH AND MONEY DUE AND THE AMOUNT OF CASH BELONGING TO AND MONEY DUE HIM DOES NOT EXCEED ONE THOUSAND DOLLARS.

The General Assembly of North Carolina do enact:

SECTION 1.

A. The Clerk of Superior Court of Forsyth County in lieu of appointing a guardian, trustee, or other fiduciary to administer an estate for a minor or ward as hereinafter defined may receive and administer funds for such minor or ward who does not own any real estate in fee simple, any undivided interest in real estate, any tangible or intangible personal property, or does not have a lifetime right in any real estate; and when all the property of said minor or ward consists of cash and money due and the total amount due and belonging to such minor or ward does not exceed one thousand dollars.

B. The word "fiduciary," as used in this Act, shall refer to any person or corporation acting for and in behalf of any person hereinafter named, and the word "ward," as used herein, shall refer to any lunatic, idiot, insane person, incompetent, inebriate, drug addict, epileptic, inmate of Caswell Training

School or any other person adjudged to be incompetent to manage his or her property.

SEC. 2.

A. The clerk before accepting money belonging to a minor or ward to be administered under the provisions of this Act shall make an investigation to determine whether the estate is one that may be administered by him. If, after making such investigation, the clerk is of the opinion that the estate is one he may administer he shall, in the manner he deems expedient and efficient, notify the fiduciary, person, firm or corporation owing to and holding money for said minor or ward that they may pay same to him to be administered as herein provided, and the clerk's official receipt therefor shall be a complete release, discharge, and acquittance for the amount of money so paid by such fiduciary, person, firm or corporation.

B. When payment is made to the clerk either as a credit or in full settlement of a judgment in favor of a minor or ward, and the net amount due such person upon the settlement of the judgment does not exceed one thousand dollars, and the minor or ward does not have a guardian or trustee and does not own any other property, and if the father, mother, or person in loco parentis to said person does not qualify or does not procure someone to qualify as guardian or trustee to administer the estate for such person within ninety days from the date of the settlement or payment of a credit on a judgment, the clerk must transfer said fund to a ledger account in his office for administration as herein provided.

C. The clerk or guardian for a minor must not take into his possession any money on deposit in a bank, building and loan or savings and loan association, or any other assets or property belonging to such minor when same is under control and in possession of said minor, unless such minor is under disability other than by reason of his minority or unless the guardian be required to execute instruments or other papers in connection with any of said assets. In that event the guardian must take possession of all properties or assets for which he executes any instrument in connection therewith, and shall report same to the court in his next account filed with the clerk.

D. That a life insurance contract other than an endowment or annuity contract purchased by a guardian or trustee as an investment under the provisions of the laws of North Carolina, issued on the life of a minor or ward, or on the life of some other person and payable to said minor or ward as a named beneficiary, shall not be considered as an asset to be administered by a guardian, trustee or the clerk.

E. Upon determination by the clerk that such estate is one that he may administer under the provisions of this Act, he may so notify the fiduciary administering the estate who may resign his trust in accordance with the provisions of Section eleven, Chapter thirty-three, General Statutes, and pay the balance of funds in his hands into the office of said clerk; and the clerk shall not be required to appoint a successor guardian or trustee, neither shall it be necessary for the judge of superior court to appoint as receiver the clerk or anyone else to administer said fund, but the clerk may receive and administer the fund by reason of his office and as herein provided.

F. That for the purposes of administering estates in accordance with the provisions of this Act, the distinction between real and personal property is hereby abolished and all funds administered by the clerk shall be administered as personal property regardless of the source from which the funds were derived.

G. The clerk shall set up a proper ledger account for each minor or ward, in which account he shall enter the date of each receipt, from whom received, the amount of same, the date of each disbursement, to whom paid and the amount.

SEC. 3.

A. If, after the clerk receives a payment for a minor or ward, he ascertains that said person owns a fee simple title to real estate or an interest in real estate, tangible or intangible personal property, or that the total cash belonging to and money due said minor or ward exceeds one thousand dollars, then the said clerk shall discontinue the administration of said estate and appoint a guardian or trustee as provided by law; and upon the qualification of the proper person to administer said estate, the clerk must pay over and deliver to said fiduciary all funds remaining in his hands.

B. If the clerk has in hand or hereafter receives money for a minor or ward, and he should ascertain that said person has a fiduciary administering his estate under appointment by the clerk of the superior court of another county in North Carolina, the Clerk of Forsyth County must pay the amount in his hands to said fiduciary, and must notify the clerk who made such appointment of the amount so paid; and the endorsement by the payee of the check issued by the clerk shall be a complete release, discharge, and acquittance for the amount so paid, and the clerk disbursing the fund shall be relieved of all liability for the disposition of same.

C. If the clerk should ascertain that said person has a fiduciary administering his estate under appointment by a proper court in a foreign jurisdiction, he may pay over the funds in his hands to such fiduciary upon the bringing of the proper pro-

ceeding as outlined in Sections forty-eight and forty-nine, Chapter thirty-three, General Statutes of North Carolina, and any amendments thereto.

SEC. 4.

A. The disbursements made by the clerk shall be for the purpose of covering costs of support, maintenance and education of a minor, ward and dependents, and the fact that disbursements are made shall be prima facie evidence of the necessity therefor, and that same are made in his sound discretion; that when the clerk disburses funds of a minor or ward, the endorsement of the check by the payee shall be a complete release, discharge, and acquittance for the clerk making said disbursement, and said clerk shall not be required to see to the proper application of funds so disbursed, and the clerk shall not require any accounting of any person, firm or corporation to whom he disburses funds for a minor, ward or dependents.

B. The clerk shall not disburse funds of a minor or ward in payment of debts contracted by a minor prior to the vesting of title in him of this fund, or in payment of debts of a ward contracted prior to his being adjudged incompetent to manage his property.

C. The clerk may make disbursements as herein provided upon a proper affidavit of the person, firm or corporation making claim for same, and any person or agent, officer or employee of a firm or corporation obtaining money from the clerk through false and fraudulent representations shall be guilty of a felony and liable to an indictment as provided by law and upon conviction may be punished as provided by the General Statutes for obtaining money under false pretense.

D. That regardless of the solvency of any person liable for the support of a minor or ward for whom the clerk administers a fund, the said clerk may disburse the money held or received as hereinafter provided.

E. That for good cause shown the clerk in his discretion may increase any of the payments for the support, maintenance, and education of a minor, ward, or his dependents to such amount as he deems proper and for the best interest of said minor, ward, or dependents, if any.

SEC. 5. The clerk may disburse funds of a minor as follows:

A. If the total sum does not exceed one hundred dollars.

1. At any time after the receipt of funds for a minor who is married or single:

(a) If the minor is under fifteen years of age, the disbursement of said sum may be made to the person in loco parentis.

(b) If the minor is more than fifteen years of age, but less than eighteen years of age, the disbursement of said sum may be made to the minor and the person in loco parentis.

(c) If the minor is eighteen years of age or more, the disbursement of said sum may be made to the minor.

B. If said sum exceeds one hundred dollars.

1. At any time after the receipt of funds for a minor who is single:

(a) The sum of one hundred dollars may be paid as hereinbefore provided in this section.

(b) If the minor is under fifteen years of age, a payment of twenty-five dollars per month may be made to either parent or the person in loco parentis of such minor.

(c) If the minor is more than fifteen years of age, but less than eighteen years of age, a payment of twenty-five dollars per month may be made to the minor and either parent or person in loco parentis.

(d) If the minor is eighteen years of age or more, a payment of twenty-five dollars per month may be made to the minor.

2. At any time after the receipt of funds for a minor who is married:

(a) If the minor is eighteen years of age or more, the clerk may disburse a sum of five hundred dollars to such minor; and after six months from the date of such payment, the clerk may disburse any remaining funds in his hands to such minor.

(b) If the minor is less than eighteen years of age, the clerk may disburse the funds in his hands at the rate of one hundred dollars per month to said minor.

SEC. 6. The clerk may disburse funds of a ward as follows:

A. At any time after the receipt of said funds:

1. If ward is a married man and confined in an institution:

(a) If the ward has a wife for whose support he is liable, the clerk may disburse to said wife the sum of fifty dollars per month for her support, plus the sum of twenty-five dollars per month for each child dependent on him for support.

(b) If the ward has no wife for whose support he is liable, but dependent child or children, the clerk may disburse to the person in loco parentis of such child or children the sum of twenty-five dollars per month for each dependent child.

(c) If the ward has no wife, child or children for whose support he is liable, the clerk may disburse said funds to the institution in which the ward is confined as follows: Upon receipt of statement of charges for the care, maintenance and support of said ward, the clerk may pay such charges until the funds in his hands are diminished to five hundred dollars, at which time he shall discontinue payments to said institution. The clerk shall retain the said five hundred dollars until the ward is discharged, in which event the five hundred dollars may be paid in amounts deemed proper by the clerk to the person, firm or corporation furnishing food, clothing and other necessaries for said ward, or until the death of said ward, at which time the clerk shall dispose of said balance as provided by law: *Provided,* if the funds in the hands of the clerk do not exceed one hundred dollars, the clerk may, upon receipt of a certificate from the superintendent of such institution to the effect that the ward in his opinion will never be discharged, pay the said sum direct to the institution.

2. If ward is a married woman and confined in an institution:

(a) If the ward has a husband but no child or children, then the clerk may disburse said funds to the institution for the care, maintenance and support of said ward as set out in paragraph (c) above.

(b) If the ward has no husband but dependent child or children, then the clerk may disburse the sum of twenty-five dollars per month for each dependent child to the person in loco parentis of such child or children.

(c) If the ward has no child or children for whose support he is liable, then the clerk may disburse said funds to the institution for the care, maintenance and support of said ward as set out in Section six - A - one - (c).

3. If ward is a single person and confined in an institution:

(a) The clerk may disburse said funds to the institution for the care, maintenance and support of said ward as set out in Section six - A - one - (c).

SEC. 7. When the clerk has in hand a sum of money for a minor or ward and such sum does not exceed one hundred dollars, and the clerk does not have any information as to the whereabouts of said minor or ward and no claims for support and maintenance have been filed with said clerk for a period of three years from the date of the last receipt or disbursements, the clerk may escheat said sum to the University of North Carolina as provided in the General Statutes.

SEC. 8.

A. The clerk shall not be required to invest funds of a minor or ward when the amount to be invested is less than one hundred dollars, and if the clerk has an investment from which withdrawals are made until the balance is reduced to less than one hundred dollars, he shall close out such investment by liquidating same. The provisions of this section shall not be construed as placing the clerk under the duty of investing any funds received pursuant to this Act, but he shall only be required to make investments as otherwise required by law.

B. If the clerk invests funds of a minor or ward and the fund by reason of earnings on same increases to an amount in excess of one thousand dollars, said clerk shall continue to administer such fund and need not appoint a guardian or trustee.

C. The clerk must not make a combined investment for several persons, but he must make a separate investment for each person.

D. The clerk need not carry a separate checking account for each person for whom he holds money, but may deposit all funds in one general checking account in his name as clerk of superior court.

SEC. 9. The fees, if any, to be charged by the clerk for the administration of a fund for a minor or ward shall be as fixed by law for the Clerk of the Superior Court of Forsyth County; except that the clerk shall not charge any fee or commission on any fund paid him by a guardian or trustee upon his resignation as herein provided.

SEC. 10. The clerk shall not be liable to any one for any loss whatsoever sustained by reason of the administration of any estate for a minor or ward, if said clerk has exercised reasonable care and good faith in complying with the provisions of this Act.

SEC. 11. If any clause, sentence, paragraph, subsection, section, or any part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, subsection, section or part thereof directly involved in such judgment.

SEC. 12. That the provisions of Sections fifty-two and fifty-three of Chapter two, General Statutes, and any amendments that may hereafter be made to said sections, shall not apply to Forsyth County.

SEC. 13. That this Act shall apply only to Forsyth County.

SEC. 14. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 15. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1945.

S. B. 53 **CHAPTER 401**

AN ACT TO REWRITE SECTION ONE HUNDRED AND SIXTY - SEVENTY-SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PERMIT COUNTIES AND MUNICIPALITIES TO COMBINE FOR THE PURPOSE OF ESTABLISHING FREE LIBRARIES.

The General Assembly of North Carolina do enact:

Authorizing counties and municipalities to join in establishing and maintaining free public libraries.

SECTION 1. Section one hundred and sixty - seventy-seven of the General Statutes of North Carolina is hereby rewritten to read as follows:

SEC. 160-77. Joint Libraries. Two or more counties or municipalities, or a county or counties and a municipality or municipalities, may join for the purpose of establishing and maintaining a free public library under the terms and provisions contained in this article.

Shall function as single units do.

Such combined governmental units shall have the same privileges and shall be subject to the same restrictions as a single unit under this article, and all the provisions of this article, unless inconsistent, shall be applicable to the combined units.

The governing bodies of the combined units shall perform their appropriate duties with regard to the library in the same manner as for a single unit under this article.

A joint library shall be governed by a board of trustees, consisting of three trustees from each participating unit to be selected by the governing body of each unit.

Such joint library shall be governed by a board of trustees to be composed of three persons from each of the participating units. The governing body of each unit shall choose the three persons to represent it from the citizens at large with reference to their fitness for each office. For the inital term, one member shall be appointed for two years, one for four years, and one for six years, and until their successors are appointed and qualified. Thereafter, the terms of members shall be for six years and until their successors are appointed and qualified. Vacancies occurring on the board shall be filled by the governing body of the appointing unit for the unexpired term. Any member may be removed by the governing body appointing him for incapacity, unfitness, misconduct or neglect of duty. The board shall serve without compensation.

The board to serve without compensation.

The amount each participating unit shall contribute to the establishment and support of the joint library shall be based upon relative population and the total assessed value of property in each unit.

Contribution by each unit to be based on population and value of property.

Should any county at any time desire to withdraw from such combination, the said county shall be entitled to such proportion of the property as may have been agreed upon in the terms of combination at the time such joint action was taken.

Any withdrawing unit shall be entitled to its proportionate share of property.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

S. B. 157 **CHAPTER 402**

AN ACT AMENDNG CHAPTER THREE HUNDRED AND TWENTY-FIVE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED FORTY-THREE SO AS TO FURTHER EXTEND THE TIME WITHIN WHICH BONDS OF COUNTIES AND MUNICIPALITIES HERETOFORE AUTHORIZED MAY BE ISSUED.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter three hunderd and twenty-five, Session Laws of one thousand nine hundred forty-three, shall be and the same is hereby amended by striking out all of said section after the comma following the word "amended" in line five of said section and by inserting in lieu thereof the following: and which have not heretofore been issued, may be issued, in accordance with all other provisions of law, at any time prior to July first, one thousand nine hundred forty-seven, notwithstanding the limitation of time within which bonds may be issued as provided in said County Finance Act, as amended.

Extending to July 1, 1947 time within which counties and municipalities might issue certain bonds.

SEC. 2. That Section two of Chapter three hundred and twenty-five, Session Laws of one thousand nine hundred forty-three, shall be and the same is hereby amended by striking out all of said section after the comma following the word "amended" in line four of said section and by inserting in lieu thereof the following: and which have not heretofore been issued, may be issued, in accordance with all other provisions of law, at any time prior to July first, one thousand nine hundred forty-seven, notwithstanding the limitation of time within which bonds may be issued as provided in said Municipal Finance Act, as amended.

Same.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

S. B. 158 CHAPTER 403

AN ACT AMENDING THE MUNICIPAL FINANCE ACT, ONE THOUSAND NINE HUNDRED AND TWENTY-ONE AND PROVIDING FOR FUNDING INTEREST ON BONDS ACCRUED THROUGH ONE THOUSAND NINE HUNDRED FORTY-SIX.

The General Assembly of North Carolina do enact:

Amending Municipal Finance Act to extend time for funding interest on certain bonds.

SECTION 1. That Section one hundred and sixty - three hundred and seventy-eight of the General Statutes of North Carolina, being a part of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, shall be and the same is hereby amended by substituting the word "forty-six" for the word "forty-two" in line thirty-seven of clause two of said section.

SEC. 2. That this Act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

S. B. 159 CHAPTER 404

AN ACT VALIDATING CERTAIN NOTES OF COUNTIES EVIDENCING REFUNDED LOANS FROM THE STATE LITERARY FUND AND SPECIAL BUILDING FUNDS OF NORTH CAROLINA AND AUTHORIZING THE ISSUANCE OF REFUNDING BONDS.

The General Assembly of North Carolina do enact:

Validating certain notes of counties refunding loans from State Literary Fund and Special Building Funds.

SECTION 1. That the notes of any county held by the State Board of Education which were issued in exchange for and for the purpose of refunding and retiring notes evidencing loans made from the State Literary Fund pursuant to Article twenty-four of Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, or from Special Building Funds pursuant to either Chapter one hundred and forty-seven of the Public Laws of one thousand nine hundred and twenty-one, or Article twenty-five of Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, or Chapter two hundred and one of the Public Laws of one thousand nine hundred and twenty-five, or Chapter one hundred and ninety-nine of the Public Laws of one thous-

and nine hundred and twenty-seven, are hereby declared to be valid existing indebtedness of said county incurred by said county for the maintenance of the six-months school term as required by the Constitution of North Carolina, notwithstanding any lack of authority for the issuance of said notes or error or omission or irregularity in the acts done or proceedings taken to provide for their issuance, and said notes held by the State Board of Education are hereby authorized to be refunded with bonds issued pursuant to the County Finance Act, being Chapter eighty-one of the Public Laws of one thousand nine hundred and twenty-seven, as amended.

Powers are additional not substituted.

SEC. 2. That the powers granted by this Act are granted in addition to and not in substitution for existing powers.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

S. B. 218 CHAPTER 405

AN ACT TO AUTHORIZE GUILFORD COUNTY TO EXTEND FIRE PROTECTION TO RURAL GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Guilford County to extend fire protection to rural communities.

SECTION 1. That the Commissioners of Guilford County are hereby authorized in their discretion to furnish fire protection to the various rural communities of said county as a governmental function under such rules and regulations as they may prescribe.

Authorizing purchase of fire equipment and operating expense.

SEC. 2. That in order to carry out the provisions of Section one of this Act, the commissioners of said county are authorized to purchase and operate fire fighting equipment, and to incur such other expenses, as in their opinion, may be necessary for such purposes; provided that said commissioners shall not expend more than fifteen thousand dollars ($15,000.00) directly arising from a tax levy for the purpose aforesaid during the period beginning July first, one thousand nine hundred and forty-five, and ending July first, one thousand nine hundred and forty-eight, but the proceeds derived from the sale of any equipment purchased under the provisions of this Act, may be reinvested in other similar equipment.

New and additional powers.

SEC. 3. That this Act shall not be construed to be a limitation upon the powers of the county commissioners, but shall be in addition to any powers they may now have either under the general law or special statutes; nor shall it be construed to repeal any general law or public-local act relating to rural fire protection in Guilford County.

Plans for payment.

SEC. 4. That the sums, the payment of which is hereinbefore authorized must be paid pursuant to appropriation duly made and from the current operating general expense funds or from sales of fire fighting equipment purchased under the provision of this Act.

Within powers expire July 1, 1948.

SEC. 5. The powers herein granted shall expire on July first, one thousand nine hundred and forty-eight.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall become in full force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

S. B. 228 CHAPTER 406

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GASTON COUNTY TO CALL A SPECIAL ELECTION FOR THE AUTHORIZATION OF AN INDUSTRIAL DIVERSIFICATION TAX FOR GASTONIA TOWNSHIP, AND TO CREATE AND FIX THE POWERS OF AN INDUSTRIAL DIVERSIFICATION COMMISSION FOR GASTONIA TOWNSHIP.

The General Assembly of North Carolina do enact:

Authorizing Gastonia Township to vote on industrial diversification tax.

SECTION 1. That the Board of County Commissioners of Gaston County are hereby authorized, empowered and shall call a special election upon the duly presented petition of any one hundred (100) qualified voters of Gastonia Township of Gaston County, to determine whether it be the will of the qualified voters of said township that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at the rate of two cents (2c) on each one hundred dollars ($100.00) valuation of property in said Gastonia Township, to be known as an industrial diversification tax, the funds therefrom, if the levy be authorized by the voters of Gastonia Township, to be used for the purpose of attracting new and diversified industries to Gastonia Township and Gaston County, and for the encouragement of new business and industrial ventures by local as well as foreign capital.

Regulations for calling and holding proposed special election.

SEC. 2. There shall be a new registration of the voters of Gastonia Township for such election. The registration books for such new registration shall be open for the registration of voters of Gastonia Township at nine o'clock a. m., Eastern Standard War Time, on the fourth Saturday before such election, and the said books shall be closed at sunset on the second Saturday before such election. The Saturday immediately before the election day shall be "Challenge Day." The registrar of each precinct of Gastonia Township shall be furnished with a registration book and it shall be his duty between the hours of nine o'clock a. m., Eastern Standard War Time, and sunset on each day during the period when the registration books are open, to keep open said books for the registration of any voters of Gastonia Township residing within such precinct and entitled to registration. On each Saturday during the period of registration, the registrar shall attend with his registration books at the polling place of his precinct between the hours of nine o'clock a. m., Eastern Standard War Time, and sunset, for the registration of voters.

Notice of registration.

SEC. 3. A notice of such new registration shall be published in the newspaper circulated in Gastonia Township in Gaston County, once, not less than thirty days before and not more than forty days before the closing of the registration books, stating the hours and days for registration. It shall not be necessary to specify in said notice the place for said registration, except that the said notice shall state that on each Saturday during the period of registration, each registrar of Gastonia Township will attend with his registration books at the polling place of his precinct, between the hours of nine a. m., Eastern Standard War Time, and sunset, for the registration of voters.

Registration program.

SEC. 4. That the registrars appointed for such election shall be empowered and ordered to enter upon the registration books the names of any and all legal residents of Gastonia Township in Gaston County, who are or could legally be infranchised as qualified voters for regular general elections, and who may present themselves to be registered. That in addition to registering such qualified persons who so present themselves during the specified hours of registration the said registrars are hereby authorized and empowered during any interim period from nine o'clock a. m. on the first set Saturday of registration to and inclusive of five o'clock p. m. on the fourth such Saturday, to see and contact at their homes or elsewhere any such duly qualified person and to register them upon the registration books.

Election regulations.

SEC. 5. That the hours for such an election, on a date to be designated by the Board of County Commissioners of Gaston County, which shall not be later than one hundred and twenty days from the date of the presentation of a petition for an election to the commissioners as above fixed, shall be and are hereby fixed at seven o'clock a. m. to seven o'clock p. m. The said

special election if called shall be under the control and supervision of the Gaston County Board of Elections and at such special election said election board shall cause to be placed at each voting precinct in Gastonia Township a ballot box marked "Industrial Diversification Tax Election." That at said election all voters of Gastonia Township who are duly qualified electors and who have duly registered for such election may vote in said election. Each of said voters when he or she comes to the polling place to vote shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words "For Industrial Diversification Tax" and "Against Industrial Diversification Tax," which alternates shall appear separated from each other on one ballot containing, opposite, and to the left of each alternate, squares of appropriate size in one of which squares the voters may make a mark "X" to designate the voter's choice for or against such tax. Such ballots shall be printed on white paper, and each polling place in Gastonia Township shall be supplied with a sufficient number of ballots not later than the day before the election.

Counting ballots and canvassing election results.

SEC. 6. That the duly appointed judges and other election officials as named and fixed by the Gaston County Board of Elections shall count the ballots so cast in such election and the results of the election shall be officially canvassed, certified and announced by the proper officials of the Gaston County Board of Elections according to the manner of canvassing, certifying and announcing the elections held under the general law of the State the same being Chapter one hunderd and sixty-three of the General Statutes of North Carolina. Except as herein otherwise provided, the registration and election herein provided for shall be conducted in accordance with the general election laws of the State as provided for local elections.

Selection, organization and function of Commission.

Tax rate two cents on $100.00.

SEC. 7. If a majority of the qualified voters in such election favor the levying of such a tax, the Board of Commissioners of Gaston County then in that event are hereby authorized to levy such a tax at the specified rate of two cents (2c) on each one hundred dollars ($100.00) valuation of the assessed value of real and personal property taxable in Gastonia Township of Gaston County.

Creation of Industrial Diversification Commission, if election favorable.

SEC. 8. That if a majority of the qualified voters in such election favor the levying of such a tax, then and in that event there is hereby created a commission to be known as the Industrial Diversification Commission for Gastonia Township; such commission shall be composed of seven members, to be named as follows: two of said members shall be selected and named by the Gastonia Chamber of Commerce; two of said members shall be selected and named by the Junior Chamber of Commerce; (Gastonia) the three remaining members shall be selected and named by the four members theretofore appointed by the Gastonia

Chamber of Commerce and the Junior Chamber of Commerce. The terms of office of the members of the commission shall be one year and they shall serve until their successors have been appointed and qualified. All appointments for unexpired terms resulting from resignation, death or other causes shall be made by the commission itself. The commission shall hold its first meeting within thirty days after the date of the election provided for in this Act and the beginning date of all terms of office of the commissioners shall be the date on which the commission holds its first meeting. That after the members of the commission shall have been appointed and at the time of the holding of the first meeting, they shall, by a majority vote, name and select their own chairman, vice chairman, secretary and treasurer, and shall draw up and ratify their own bylaws and procedural rules and policies. The commission member who shall be named treasurer shall have supervision of all funds administered by the commission in any way whatsoever; shall sign or countersign all checks, drafts, bills of exchange, or any and all other negotiable instruments which shall properly be issued under his supervision; and shall furnish such surety bond as shall be designated by the Board of Commissioners of Gaston County. No money, property or funds of the commission herein created shall be used directly or indirectly as a subsidy or investment in capital stock or capital assets in any business, industry or business venture.

Duties, functions and powers of proposed Commission.

SEC. 9. That under the supervision and jurisdiction of the Industrial Diversification Commission for Gastonia Township there shall be set up a bureau, the purpose of which shall be to encourage new business and industrial development based on either local or foreign capital, in any and all ways which may be deemed advisable by the commission; that the commission shall have charge of the activities of this bureau, full supervision of its operation and full responsibility for its actions; that this jurisdiction shall include employment of personnel for the bureau; supervision of its purchases and expense accounts; and administration of responsibility for all the tax funds which shall be turned over to the commission by county authorities from the industrial diversification tax and any and all other funds which may come into its hands; that the commission shall be empowered to lease, rent, or purchase, or otherwise obtain suitable quarters and office space for an industrial diversification bureau; to lease, rent, or purchase necessary furniture, fixtures, and other equipment; to purchase advertising space in periodicals which may be selected for that purpose; and to otherwise engage in any and all activities which shall, in its discretion, promote the business and industrial development and general economic welfare of Gastonia Township; and shall have full power to exercise any and all other proper authority in connection with its duties not expressly mentioned herein.

Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

S. B. 229 **CHAPTER 407**

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, MAKING THAT ACT APPLICABLE TO STOKES COUNTY.

The General Assembly of North Carolina do enact:

Extending to Stokes County provisions of Chapter 118, P. L. of 1941.

SECTION 1. That Section two of Chapter one hundred and eighteen of the Public Laws of one thousand nine hunderd and forty-one, excluding Stokes County from the application of that Act, is hereby repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

S. B. 234 **CHAPTER 408**

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH RELATIVE TO SALARIES OF THE COMMISSIONERS.

The General Assembly of North Carolina do enact:

Amending charter of Raleigh to increase salaries of City Commissioners.

SECTION 1. That Section one, Article twelve, Chapter fifty-nine of the Private Laws of North Carolina, Session one thousand nine hundred and thirteen, as amended by Chapter sixty-three, Private Laws of North Carolina, Session one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out the words and figures "four thousand, five hundred dollars ($4,500.00)" in lines two and three of said section and inserting in lieu thereof the words "five thousand dollars ($5,000.00)" and by striking out the words and figures "four thousand, two hundred dollars ($4,200.00)" in line four of said section and inserting in lieu thereof the words and figures "four thousand seven hundred dollars ($4,700.00)."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 7th day of March, 1945.

S. B. 235 **CHAPTER 409**

AN ACT TO AMEND CHAPTER SIX HUNDRED AND SIXTY-THREE OF PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN RELATIVE TO THE SALARY OF THE CLERK OF THE CITY COURT OF RALEIGH.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one, Chapter six hundred and sixty-three of Public-Local Laws of one thousand nine hundred and twenty-seven be amended by striking out the words "two thousand four hundred dollars" in line three and substituting therefor the words and figures "two thousand seven hundred dollars ($2,700.00)." Increasing salary of Clerk of City Court of Raleigh to $2700.00.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 7th day of March, 1945.

S. B. 247 **CHAPTER 410**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PEMBROKE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred seventy-one of the Private Laws of one thousand eight hundred ninety-five be amended by striking out Sections three and four and adding in lieu thereof the following: Amending charter of Pembroke.

SEC. 3. The first election for mayor shall be held on the first Monday in May, one thousand nine hundred forty-five, and biennially thereafter on the first Monday in May. Mayor to be elected biennially on first Monday in May.

Biennial election of town commissioners.

SEC. 4. The first election for town commissioners shall be held on the first Monday in May, one thousand nine hundred forty-five, at which election two commissioners shall be elected for a term of one year and two commissioners for a term of two years. In the said election, the ballots shall designate which of the commissioners shall serve for one year and which shall serve for two years. And at every election after the said election on the first Monday in May, one thousand nine hundred forty-five, two commissioners shall be elected for a term of two years and until their successors are elected and qualified. Until the election and qualification of the mayor and commissioners to be elected on the first Monday in May, one thousand nine hundred forty-five, as herein provided, the mayor and commissioners heretofore appointed by the Governor of North Carolina shall constitute the mayor and board of commissioners of said town.

Primary elections.

SEC. 5. That a primary election shall be held for the purpose of nominating candidates for mayor and four town commissioners on the second Tuesday before the first Monday in May, one thousand and nine hundred forty-five, and biennially thereafter, at a place in the Town of Pembroke and under rules and regulations prescribed by the board of commissioners of said town, and the returns shall be made and the results declared forthwith. The returns shall be filed in the office of the town clerk and shall remain there for public inspection. In case a second primary shall be necessary to determine who is lawfully nominated for mayor or town commissioners, the same shall be held under the same rules and regulations as the first primary, or under rules and regulations prescribed by the Board of Commissioners of the Town of Pembroke, on the first Tuesday before the first Monday in May; and the returns from any such second primary, if held, shall be made and the results declared forthwith; the returns shall be filed in the office of the town clerk and there remain for public inspection. All candidates in said primary shall file notice of their candidacy with the town clerk not later than six thirty p. m., on Wednesday next preceding said primary election. In the event the number of candidates who file does not exceed the number of offices to be filled, then no primary election shall be held and the registrar and judges of election shall certify to the town clerk the names of the candidates so filed as the nominees to be voted on in the regular election for town offices as herein provided.

Mayor and four commissioners shall govern town.

SEC. 6. The Mayor and Commissioners of the Town of Pembroke shall constitute its governing authority and shall make, publish and enforce such ordinances as they may deem necessary for the government and regulation of the said town, not inconsistent with the laws of North Carolina.

SEC. 7. That in all matters not specifically covered by this Act, the said Town of Pembroke shall be subject to all the provisions of the laws of North Carolina, and shall have all the rights and privileges applicable to municipal corporations in said State. General laws apply.

SEC. 8. That Chapter sixty-three of the Private Laws of one thousand nine hundred seventeen be, and the same are hereby repealed. Chapter 63 of Private Laws of 1917 repealed.

SEC. 9. A regular meeting of the mayor and town commissioners shall be held once a month at such time and place in said Town of Pembroke as shall be fixed by order of the board of commissioners of said town, and the order fixing the time and place of said meeting shall be recorded in the minutes of the board by the town clerk. Monthly meetings.

SEC. 2. The Secretary of State shall forthwith, upon the ratification of this Act, certify a copy of same to the Mayor of the Town of Pembroke. Copy to Mayor.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in force from and after its ratification. Conflicting laws repealed.

Ratified this the 7th day of March, 1945.

S. B. 254 CHAPTER 411

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIXTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO SPECIAL DEPUTY SHERIFFS IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter four hundred and sixty-five of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby rewritten to read as follows:

SECTION 1. That the Sheriff of Stokes County is hereby authorized and empowered to employ two special deputy sheriffs and to prescribe their duties. Said deputy sheriffs shall receive such salaries and travel expenses as the Sheriff of Stokes County, by and with the advice and consent of the board of county commissioners, shall fix. Such special deputies shall receive no fees in addition to their salaries and such fees as may accrue to them shall be taxed as a part of the costs in criminal and civil actions and paid into the general county fund. Relating to deputy sheriffs in Stokes County.

SEC. 2. That Section four of Chapter four hundred and sixty-five of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby rewritten to read as follows:

Authorizing Stokes County to purchase automobiles for Sheriff and Deputies in Stokes County.

SEC. 4. That the Board of County Commissioners of Stokes County is hereby authorized and empowered to purchase such automobiles as they find necessary for the proper performance of the duties of the Sheriff and Deputy Sheriffs of Stokes County. Said automobile or automobiles, when and if purchased, shall be paid for out of the General Fund of the County of Stokes and shall be and remain the property of Stokes County; *Provided,* that if the special deputies herein provided for shall use automobiles furnished by the county they shall not be entitled to mileage.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

S. B. 260 CHAPTER 412

AN ACT TO AMEND SECTION TEN OF THE CHARTER OF THE CITY OF ROANOKE RAPIDS, AS AMENDED BY CHAPTER ONE HUNDRED AND TWENTY-FIVE OF THE ONE THOUSAND NINE HUNDRED AND FORTY-THREE SESSION LAWS, AND TO REPEAL CONFLICTING LAWS.

The General Assembly of North Carolina do enact:

Amending charter of Roanoke Rapids.

SECTION 1. That Section ten of Chapter sixty-seven of the Public-Local Laws of one thousand nine hundred and thirty-seven, the same being the charter of the City of Roanoke Rapids in the County of Halifax, as amended by Chapter one hundred and twenty-five of the one thousand nine hundred and forty-three Session Laws, be and the same is hereby further amended so that said section shall read as follows:

Authorizing collection of ad valorem taxes.

SEC. 10. For the purpose of raising revenue for defraying the expenses incident to the proper government of the City of Roanoke Rapids, the board of commissioners shall have the power and it is hereby authorized to levy and collect an annual ad valorem tax on all taxable property in Roanoke Rapids at a rate not exceeding sixty-five cents (65c) on the one hundred dollars valuation of said property, notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereafter enacted expressly repealing or amending this section,

five cents (5c) of said sixty-five cent (65c) rate to be set aside and utilized each year for the improvement of streets within the city, any unexpended balance of said five cent (5c) levy in any one year to be added to the amount realized from such levy and required to be set aside in the next succeeding year for the improvement of streets. In addition to the foregoing, the board of commissioners shall have the power and it is hereby authorized to levy and collect a tax ad valorem upon all property then subject to taxation in the city, sufficient to pay the principal of and the interest on all bonds of the city as such principal and interest shall become due, and to levy and collect such license, privilege, franchise and other taxes as the board of commissioners shall deem proper and as the board is authorized and permitted to levy and collect by the general law.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

S. B. 262 CHAPTER 413

AN ACT TO AUTHORIZE THE TOWN OF TARBORO TO PROVIDE HOTEL FACILITIES IN THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Authorizing Tarboro to own and operate a hotel.

SECTION 1. That the Town of Tarboro shall be authorized to acquire, own, construct, maintain and operate a hotel in said town; to appropriate moneys therefor, issue notes or bonds to raise funds therefor; and do and perform all other acts as may be suitable and proper to accomplish the purposes herein set out.

Purchase of stock in hotel corporation.

SEC. 2. That the Town of Tarboro shall be authorized to purchase or otherwise acquire and own stock, common or preferred, in any corporation now existing or which may be formed hereafter which has as its principal purpose the acquisition, construction, maintenance and operation of a hotel to be located in said town, and may sell and reinvest the same.

Referendum on project.

SEC. 3. That no funds of said town shall be appropriated and used, nor shall any notes or bonds of said town be issued and sold to raise funds to accomplish any of the purposes in this Act set forth, until and unless the ordinance authorizing the appropriation or the issuance of said notes or bonds shall have been ratified by a vote of the majority of the qualified voters of

said town at an election called by the board of commissioners of said town and conducted under such rules and regulations as it may prescribe.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

H. B. 399 CHAPTER 414

AN ACT TO AMEND THE MOTOR VEHICLE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED, AS THE SAME IS CODIFIED IN SECTIONS TWENTY - THIRTY-EIGHT THROUGH TWENTY - ONE HUNDRED AND EIGHTY-THREE OF THE GENERAL STATUTES RELATING TO LEASED MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Amending motor vehicle laws.

SECTION 1. That Section twenty - thirty-eight, Subsection (t), of the General Statutes of North Carolina be amended by substituting a semicolon for the period after the word "article" in the last line of said subsection and by adding thereafter the following:

Relating to certain leased vehicles.

except that in all such instances when the rent paid by the lessee includes charges for services of any nature and/or when the lease does not provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the owner of such vehicle, and said vehicle shall be subject to such requirements of this Act as are applicable to vehicles operated for compensation.

SEC. 2. That Section twenty - eighty-nine of the General Statutes of North Carolina be amended by adding the following words at the end thereof:

Contract and franchise haulers.

When vehicles are leased from other operators who are licensed as contract haulers or franchise haulers, any amounts paid to such operators under said lease may be deduced by the lesses from gross revenue on which tax is based in the event adequate records and receipts are maintained so as to clearly reflect such payments. Any revenue earned by a franchise hauler under a lease shall be included in the gross revenue upon which said tax is based.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after January first, one thousand nine hundred forty-six. Effective date January 1, 1946.

Ratified this the 7th day of March, 1945.

H. B. 476 CHAPTER 415

AN ACT TO FIX THE COMPENSATION OF THE COUNTY OFFICIALS OF DAVIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff of Davie County shall receive an annual salary of two thousand and five hundred dollars ($2,500.00), payable monthly. Salary of Sheriff of Davie County to be $2500.00.

SEC. 2. That the Clerk of Superior Court and the Register of Deeds of Davie County shall each receive two thousand and one hundred dollars ($2,100.00) per annum, payable monthly: *Provided* that the clerk of superior court shall be paid an additional compensation as judge of the juvenile court in an amount, payable monthly, to be fixed by the board of county commissioners, not to exceed twenty-five dollars ($25.00) per month, and; *provided further*, that the register of deeds shall be paid an additional compensation as clerk and secretary to the board of county commissioners in an amount, payable monthly, to be fixed by the board of county commissioners, not to exceed twenty-five dollars ($25.00) per month. Salary of Clerk of Superior Court and Register of Deeds to be $2100.00. County can pay Clerk maximum of $300.00 as judge of juvenile court and $300.00 to Register of Deeds as Clerk to County Commissioners.

SEC. 3. That the County Accountant of Davie County shall perform the duties of county accountant, financial agent and tax supervisor and shall receive an annual salary of one thousand and eight hundred dollars ($1,800.00), payable monthly. Salary of County Accountant to be $1800.00.

SEC. 4. That the Tax Collector of Davie County shall receive an annual salary of one thousand and eight hundred dollars ($1,800.00), payable monthly. Tax Collector, $1800.00.

SEC. 5. That the Chairman of the Board of County Commissioners of Davie County shall receive three hundred dollars ($300.00) per annum, and each other member of the board of county commissioners shall receive two hundred and fifty dollars ($250.00) per annum, payable monthly, and mileage at five cents (5c) a mile to and from meetings of the board. Compensation of Chairman of Board of Commissioners to be $300.00 and other Commissioners to be $250.00 and 5 cents mileage.

SEC. 6. That all fees collected by each county official named in this Act, except the Sheriff of Davie County shall be reported to the board of county commissioners and deposited to the credit of the general fund of Davie County. Fees except those collected by the Sheriff to go into general fund of Davie County.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws fixing the salaries of the Sheriff, Clerk of the Superior Court, Register of Deeds, County Accountant, and Tax Collector of Davie County, in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after the twenty-eighth day of February, one thousand nine hundred and forty-five.

Ratified this the 7th day of March, 1945.

H. B. 733 CHAPTER 416

AN ACT TO AMEND SECTION ONE HUNDRED AND TWENTY - TWENTY-TWO OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO ENROLLMENT OF ACTS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Amending law relating to enrollment of acts of General Assembly.

SECTION 1. That Section one hundred and twenty - twenty-two of the General Statutes of North Carolina be and the same is hereby amended by striking out the proviso at the end of said section, the same being the last sentence of said section, and inserting in lieu thereof the following:

Whenever needed, employees in various State departments can be utilized during off hours to be paid one cent per line for typing.

Provided, that when the business of the General Assembly has reached such a proportion that the employees authorized are unable to keep up with the enrollment of bills as they are passed, the Secretary of State is hereby authorized to use the employees in the various State departments before and after office hours in the enrollment of such bills, and they shall be paid one cent per line upon certification made to the State Auditor by the Secretary of State.

No extra pay during regular working hours.

SEC. 2. Any State employee or employees borrowed and used to do any work under the provisions of this Act shall not be entitled to or receive any additional compensation for services which may be performed during their regular office hours.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, 1945.

S. B. 194 **CHAPTER 417**

AN ACT TO PROVIDE FOR AND REGULATE THE APPOINTMENT OF TRUSTEES FOR ASHEBORO SCHOOL DISTRICT, IN THE COUNTY OF RANDOLPH, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Authorizing Trustees of Asheboro Graded School District to select two Trustees from Asheboro School District, who live outside of Asheboro.

SECTION 1. The Trustees of Asheboro Graded School District, a district created and existing under and by virtue of Chapter four hundred and thirteen, of the Private Laws of North Carolina, Session of one thousand nine hundred and five, as amended, shall be and they are hereby authorized, empowered and directed, at any time after the ratification of this Act, and before the first day of July, one thousand nine hundred and forty-five, to designate and appoint as trustees two citizens and residents of Asheboro School District, (which comprises and is coterminous with Asheboro Township) Randolph County, State of North Carolina, but who reside outside of and beyond the corporate limits of the Town of Asheboro.

SEC. 2. The two trustees designated and appointed under and in accordance with Section one hereof, shall hold office from the time of their appointment to the first day of July, one thousand nine hundred and forty-seven, and until their successors shall be designated and appointed. The Trustees of Asheboro Graded School District shall thereafter, every two years, designate and appoint from among the citizens and residents of the same are, the same number of persons as trustees to succeed the trustee whose terms will then be approaching expiration, for terms of two years each and until their successors shall be designated and appointed. Such designations and appointments shall be made during the period of sixty days next preceding the time for the terms to begin. The Trustees of the Asheboro Graded School District shall, should a vacancy arise, by death, resignation or otherwise, appoint a citizen and resident from the same area to fill any and every such vacancy for the unexpired term. The two trustees to be designated and appointed as in this Act provided, shall not belong to the same political party. Any and all designations and appointments, whether original or to fill vacancies, shall be so made that the two trustees from the area outside the Town of Asheboro shall never belong to the same political party.

SEC. 3. The Trustee of Asheboro Graded School District elected under and in accordance with Chapter four hundred and thirteen, of the Private Laws of North Carolina, Session of one thousand nine hundred and five, as amended, together with the two trustees designated and appointed as herein provided, shall have charge of the administration of the public schools in said

Asheboro School District, with all the rights, powers and privileges, and subject to all the responsibilities of trustees as set forth and contained in said Chapter four hundred and thirteen, of the Private Laws of North Carolina, Session of one thousand nine hundred and five, as amended by the express statutory enactment and also by the General Laws of the State of North Carolina relating to education.

Conflicting laws repealed.

SEC. 4. All laws in conflict herewith are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

S. B. 213 **CHAPTER 418**

AN ACT TO AMEND CHAPTER THIRTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN RELATIVE TO THE COMPENSATION OF THE TOWN COMMISSIONERS OF THE TOWN OF BESSEMER CITY, GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Amending charter of Bessemer City.

SECTION 1. That Subsection (d) of Section eight of Chapter thirty of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby stricken out and the following inserted in lieu thereof, viz:

Salary of Town Commissioners to be $120.00 each.

That each member of the Board of Town Commissioners of the Town of Bessemer City shall receive as salary the sum of one hundred twenty dollars ($120.00) per year to be paid from the general fund of the town treasury.

SEC. 2. That said salary shall constitute the entire compensation of each member of the board of town commissioners for his services as commissioner.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date first Monday in July, 1945.

SEC. 4. That this Act shall be in full force and effect from and after the commencement of the next full term for the Town of Bessemer City Commissioners on the first Monday in July, one thousand nine hundred and forty-five.

Ratified this the 8th day of March, 1945.

S. B. 290 **CHAPTER 419**

AN ACT RELATING TO THE COLLECTION OF SPECIAL ASSESSMENTS AND TO THE SATISFACTION OF STREET AND SIDEWALK ASSESSMENTS IN THE TOWN OF ASHEBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Relating to collection of certain street and sidewalk assessments in Asheboro.

SECTION 1. That the Tax Collector or other official or agent of the Town of Asheboro having charge of the collection of special assessments in said town, shall have the right, power, and authority, by and with the approval of the board of commissioners of said town first had and obtained, to receive and accept a fee simple conveyance to the town of any lot or parcel of land in said town, free and clear of other encumbrances, in full settlement and satisfaction of all street and sidewalk assessments outstanding and unpaid against such property. Such right, power, and authority, however, shall be limited to a conveyance of the whole of the lot or parcel of land against which the particular assessment or assessments involved were levied. No lot or tract of land may be divided and such right, power, and authority exercised as to a part, only, of the property originally embraced in and covered by said assessment or assessments. In the case of such conveyance, it shall not be necessary that the street or sidewalk assessment or assessments against the property be foreclosed; but the said town, upon the receipt of any such conveyance shall become and be the absolute fee simple owner of the property, as fully to all intents and purposes as if purchased in and through foreclosure proceedings for the enforcement of such street and sidewalk assessment or assessments.

Authorizing Asheboro to sell certain property.

SEC. 2. The Town of Asheboro shall have the right, power, and authority, to be exercised or not at its discretion, to sell any real estate heretofore or hereafter acquired by it and not needed for governmental purposes, as hereinafter provided.

Regulating aforesaid sales.

SEC. 3. Upon receipt of a deposit of five per cent (5%) of an offer to purchase any such lot or parcel of land, the board of commissioners may cause a notice to be published once a week for four (4) successive weeks in some newspaper published in said town, describing the property and stating the amount of the offer received therefor, and inviting other and better bids for the property and giving notice that any and all better bids for the property should be filed with the city treasurer, with a deposit in the amount of five per cent (5%) of such increased offer, on or before twelve (12) o'clock M., on a date to be specified in the notice, which shall not be less than twenty-one nor more than thirty-one days next following the first publication of the notice as above provided for. No bid shall be received, after twelve (12) o'clock M., of the date so specified, unless the

board shall cause the property to be readvertised and again offered for sale as hereinafter provided.

SEC. 4. At any time after the expiration of the date of the time limited for the receipt of bids as aforesaid, not exceeding sixty days, the board of commissioners of the said town shall proceed to consider any and all bona fide offers made for the property, accompanied by the deposit of five per centum of the amount thereof as above provided, and may thereupon confirm the sale of the property to the party, person or persons so making the highest bona fide offer, with deposit as aforesaid; *provided,* the said board shall find that, in its opinion, the price so offered is fair and adequate and all that the property is reasonably worth.

Resales.

SEC. 5. The said board of commissioners, in its discretion, instead of confirming any such sale shall have the right, power, and authority to proceed to readvertise and again offer such property for sale in like manner as in the first instance; or it may discontinue further action in the premises and indefinitely postpone or terminate all negotiations and proposals for the sale of the property.

SEC. 6. Two or more offers for two or more separate lots or parcels of land may be combined and advertised in the same notice.

Powers are additional and optional and not substitution.

SEC. 7. The method of selling property herein provided is not intended and shall not be construed as limiting said board of commissioners to the necessity of proceeding in accordance herewith. This Act is intended to provide an optional method of procedure which shall exist contemporaneously with, and shall not be in substitution for, the method prescribed by the general laws of the State of North Carolina.

Applies only to Asheboro.

SEC. 8. This Act shall apply only to the Town of Asheboro.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

S. B. 299 **CHAPTER 420**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF STANLEY, GASTON COUNTY, NORTH CAROLINA, RELATING TO FIXING THE COMPENSATION OF THE BOARD OF ALDERMEN.

The General Assembly of North Carolina do enact:

Amending charter of Stanley.

SECTION 1. That Chapter two hundred thirty-three of the Private Laws of the State of North Carolina, for the year one thousand nine hundred and eleven, relating to the compensation of the Board of Aldermen of the Town of Stanley, Gaston County, North Carolina, be amended by striking out Section thirty-two and substituting in lieu thereof the following:

Salary of aldermen to be $75.00.

That the members of the board of aldermen shall receive the sum of seventy-five dollars ($75.00) each per year as compensation for their services.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1945.

S. B. 301 **CHAPTER 421**

AN ACT TO ABOLISH THE OFFICE OF COUNTY TREASURER OF CLAY COUNTY AND TO NAME A BANK OR TRUST COMPANY TO ACT AS FINANCIAL AGENT OR DEPOSITORY FOR THE COUNTY IN LIEU THEREOF.

The General Assembly of North Carolina do enact:

Authorizing Clay County to abolish office of County Treasurer and to name a bank or trust company to serve as financial agent.

SECTION 1. The Board of County Commissioners of Clay County is hereby authorized and empowered, in its discretion, to abolish the office of county treasurer as the same now exists in Clay County; the board shall, before abolishing the said office of county treasurer, pass a resolution to that effect at least thirty days before said resolution shall take effect. When the office is so abolished, the board is authorized, in lieu of a county treasurer, to appoint some solvent bank or trust company located in Clay County as financial agent of the county, which bank or trust company shall perform the duties now performed by the treasurer, or the sheriff as ex officio treasurer of the county. Such bank or trust company shall not charge nor receive any compensation for its services, other than such advantages and benefit as may accrue from the deposit of the county funds in the regular course of banking, or such sum as may be agreed upon between the said Board of County Commissioners of Clay

County and such bank or trust company as may be designated by said board of county commissioners. The bank or trust company, appointed and acting as financial agent of Clay County, shall be appointed for a term of two years, shall be required to execute the same bonds for the safekeeping and proper accounting of such funds as may come into its possession and belonging to Clay County for the faithful discharge of its duties, as are now required by law of the county treasurer.

Procedure in making transition.

SEC. 2. When the office of county treasurer is abolished by the Board of County Commissioners of Clay County as provided in Section one of this Act, the present treasurer or the sheriff as ex officio Treasurer of Clay County shall make a final settlement with the board of county commissioners and shall turn over to the County Accountant of Clay County all monies, funds, accounts and other records which he may have in his possession by virtue of his office. Any monies or funds turned over to the board of county commissioners or the county accountant shall be deposited as herein provided.

County Accountant to collect and deposit county funds.

SEC. 3. The County Accountant of Clay County is authorized and directed to receive and deposit in said bank or trust company any and all funds paid or remitted to Clay County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

S. B. 302 CHAPTER 422

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY TO HIRE AND FIX THE COMPENSATION FOR ALL NECESSARY DEPUTIES AND CLERICAL ASSISTANTS FOR THE CLERK OF THE SUPERIOR COURT, TAX COLLECTOR AND REGISTER OF DEEDS OF CLAY COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Clay County Commissioners to expend funds to pay necessary deputies and assistants in offices of Clerk of Superior Court, Tax Collector and Register of Deeds.

SECTION 1. That the Board of County Commissioners of Clay County is hereby authorized and empowered, in its discretion, to appropriate and expend such sums as it shall deem necessary and proper for assistants, deputies or clerical employees for the Clerk of the Superior Court, Tax Collector and Register of Deeds of Clay County.

SEC. 2. The Board of County Commissioners of Clay County shall determine the number of assistants, deputies or clerical employees needed by the Clerk of the Superior Court, Tax Collector and Register of Deeds of Clay County and shall fix the compensation of such assistants, deputies or clerical employees in such an amount as it shall deem just and proper.

Commissioners shall determine the number of deputies and other employees needed and fix their salaries.

SEC. 3. That any and all sums heretofore paid or expended by the Board of County Commissioners of Clay County for assistants, deputies or clerical employees for the Clerk of the Superior Court, Tax Collector and Register of Deeds of Clay County are hereby declared to be valid, legal and lawful payments and to be within the power and authority of said board.

Foregoing expenditures are declared valid and legal.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

S. B. 303 CHAPTER 423

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVEN OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND FORTY-ONE, BY PROVIDING THAT TEMPORARY EMPLOYEES BY THE FIRE DEPARTMENT OF THE CITY OF CHARLOTTE SHALL NOT PARTICIPATE IN THE BENEFIT OF THE RETIREMENT FUND AND FURTHER PROVIDING FOR THE DISCONTINUANCE OF THE FIREMEN'S RETIREMENT FUND IN EVENT THE CITY OF CHARLOTTE ELECTS TO HAVE ITS EMPLOYEES BECOME ELIGIBLE UNDER LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

SECTION 1. That the action of the Board of Trustees of the Charlotte Firemen's Retirement Fund Association excluding persons employed in the fire department pursuant to Section forty-nine (thirteen) of the Charter of the City of Charlotte from membership in the said association, participation in its benefits and contributions to its funds be, and the same hereby is, ratified and confirmed.

Excluding temporary employees of Fire Department of Charlotte from benefits of Retirement Fund.

SEC. 2. That Section nineteen of Chapter three hundred and seven of the Public-Local Laws of one thousand nine hundred and forty-one be, and the same is amended, by adding thereto the following:

Excluding said temporary employees from membership in the Association.

Members of the fire department employed on a temporary basis pursuant to Section forty-nine (thirteen) of the Charter of the City of Charlotte and auxiliary members appointed pursuant to any amendment to the city's charter adopted by the one thousand nine hundred and forty-five Session of the General Assembly shall not be members of the association and shall not be entitled to the benefits of the retirement fund and shall not be required to contribute to the same.

SEC. 3. That Section thirty-one (a) as same appears in Chapter five hundred and sixteen of the Session Laws of one thousand nine hundred and forty-three be, and the same is stricken and that the following be substituted therefor:

Authorizing discontinuance of the Retirement Fund in Charlotte if the city elects to have its employees to participate in the North Carolina Local Government Employees Retirement System.

SEC. 31 (a). If the City of Charlotte elects to have its employees become eligible to participate in the North Carolina Local Governmental Employees Retirement System, or if it establishes its own retirement system, the trustees of the Charlotte Firemen's Retirement Fund Association, by the institution of an action in the Superior Court of Mecklenburg County, may have determined the manner, method and extent to which, if at all, the Charlotte Firemen's Retirement Fund Association shall be discontinued and the members of the Charlotte Fire Department relieved of the obligation to make future contributions thereto. It is the purpose and intent of this Act, in the event the said trustees institute such an action, to vest in the Superior Court of Mecklenburg County full power and authority to make any and all orders which it may find just and equitable in order to meet the situation which will be created if, as above stated, the City of Charlotte becomes a member and elects to have its employees become eligible to participate in the North Carolina Local Governmental Employees Retirement System, or establishes its own retirement system. In connection with any suit brought pursuant to the provisions of this section or any situation which arises as the result of any action of the City of Charlotte with regard to a retirement system, the said trustees shall have the authority to do anything or incur any expense that may be useful or necessary in connection therewith. There shall be made as parties defendant to such action one or more persons of each class of persons having interest in the said association or its funds, or entitled to benefits thereunder, to represent the interests of their classes.

Procedure for perfecting transition.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

S. B. 306 **CHAPTER 424**

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF HICKORY TO UTILIZE CERTAIN FUNDS FOR THE OPERATION, MAINTENANCE, AND IMPROVEMENT OF THE HICKORY MUNICIPAL AIRPORT.

The General Assembly of North Carolina do enact:

Authorizing Hickory to utilize certain funds municipal airport.

SECTION 1. That the City Council of the City of Hickory is hereby authorized to appropriate for the operation, maintenance, improvement, and enlargement of the Hickory Municipal Airport such funds as the City of Hickory may receive from time to time from sources other than ad valorem taxes in such amounts as it may deem necessary and proper for this purpose.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 33 **CHAPTER 425**

AN ACT TO PERMIT AND INSTRUCT THE STATE TREASURER TO PAY A CERTAIN BOND AND INTEREST THEREON.

WHEREAS, a certain bond of the State of North Carolina, to wit: Four and one half per cent (4½%) Educational and Charitable Institutions Building Bond Number seventeen thousand one hundred six (17106), dated January first, one thousand nine hundred twenty-six, due January first, one thousand nine hundred sixty-six, in the amount of one thousand dollars ($1,000.00), owned by Miss Annie E. Abernethy and duly registered in her name; and

WHEREAS, this bond was destroyed in the fire which destroyed the residence of Mrs. J. I. Crabtree, one hundred and nineteen Zene Street, Henderson, North Carolina on the fifth day of November, one thousand nine hundred forty-three; and

WHEREAS, the said bond is now at a premium on the market: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing State Treasurer to pay a certain bond that has been destroyed by fire.

SECTION 1. The Treasurer of the State of North Carolina is hereby empowered and directed, upon warrant of the State Auditor, which shall be issued therefor upon the General Fund Bond Sinking Fund of one thousand nine hundred forty-five to pay to Miss Annie E. Abernethy, in full discharge of four and one one half per cent (4½%) Educational and Charitable Institutions Building Bond Number seventeen thousand one hundred six (17106), dated January first, one thousand nine hundred twenty-six, and due January first, one thousand nine hundred sixty-six, one thousand five hundred and twenty-three dollars and seventy cents ($1,523.70), to which sum shall be added accrued interest at the date of payment.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 135 CHAPTER 426

AN ACT TO AMEND CERTAIN SECTIONS OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE COUNTY IN WHICH A GUARDIAN MAY FILE PROCEEDINGS AFFECTING HIS WARD'S ESTATE.

The General Assembly of North Carolina do enact:

Amending law relating to proceedings by guardian to mortgage or sell ward's property.

SECTION 1. Amend Section thirty-three - thirty-one of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Petition by guardian to show interest of ward to be promoted by mortgaging or selling ward's property.

SEC. 33-31. Special proceedings to sell; judge's approval required. On application of the guardian by petition, verified upon oath, to the superior court, showing that the interest of the ward would be materially promoted by the sale or mortgage of any part of his estate, real or personal, the proceeding shall be conducted as in other cases of special proceedings; and the truth of the matter alleged in the petition being ascertained by satisfactory proof, a decree may thereupon be made that a sale or mortgage be had by such person, in such way and on such terms as may be most advantageous to the interest of the ward; all petitions filed under the authority of this section wherein an order is sought for the sale or mortgage of the ward's real estate or both real and personal property shall be filed in the superior court of the county in which all or any part of the real estate is situated; if the order of sale demanded in the petition is for the sale or mortgage of the ward's personal estate, the petition

The county in which the proceeding should be maintained.

may be filed in the superior court of the county in which any or all of such personal estate is situated; all such sales shall be conducted and held according to the terms and provisions of Article twenty-nine of Chapter one of the General Statutes of North Carolina, the same being entitled: "Execution and Judicial Sales"; but no sale or mortgage shall be made until approved by the judge of the court, nor shall the same be valid, nor any conveyance of the title made, unless confirmed and directed by the judge, and the proceeds of the sale or mortgage shall be exclusively applied and secured to such purposes and on such trusts as the judge shall specify. The guardian may not mortgage the property of his ward for a term of years in excess of the term fixed by the court in its decree. The word "mortgage" whenever used herein shall be construed to include deeds in trust.

Mortgage or sale of ward's property must be approved by the judge.

SEC. 2. Amend Section thirty-three - thirty-three of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

SEC. 33-33. Sale of ward's estate to make assets. When a guardian has notice of a debt or demand against the estate of his ward, he may apply by petition, setting forth the facts, to the clerk of the superior court, for an order to sell so much of the personal or real estate as may be sufficient to discharge such debt or demand; and the order of the court shall particularly specify what property is to be sold and the terms of the sale; all petitions filed under the authority of this section wherein an order is sought for the sale of a ward's real estate or both real and personal property shall be filed in the office of the clerk of the superior court of the county in which all or any part of the real estate is situated; if the order of sale demanded in the petition is for the sale of the ward's personal estate, the petition shall be filed in the office of the clerk of superior court of the county in which all or any of said personal estate is situated; all such sales shall be conducted and held according to the terms and provisions of Article twenty-nine of Chapter one of the General Statutes of North Carolina, the same being entitled: "Execution and Judicial Sales"; but no real estate shall be sold under this section, in any case, without the revision and confirmation of the order therefor by the judge of the superior court. The proceeds of sale under this section shall be considered as assets in the hands of the guardian for the benefit of creditors, in like manner as assets in the hands of a personal representative; and the same proceedings may be had against the guardian with respect to such assets as might be taken against an executor, administrator or collector in similar cases.

Procedure for sale of ward's property to make assets.

County in which the proceeding should be maintained.

Sale must be approved and confirmed by the judge.

SEC. 3. Amend Section thirty-five - ten of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Mortgaging and renting property of incompetent.

SEC. 35-10. Clerk may order sale, renting or mortgage. When it appears to any clerk of the superior court by report of the guardian of any idiot, inebriate or lunatic, that his personal estate has been exhausted, or is insufficient for his support, and that he is likely to become chargeable on the county, the clerk may make an order for the sale, mortgage or renting of his personal or real estate, or any part thereof, in such manner and upon such terms as he may deem advisable. Any order made under the authority of this section for the sale, mortgage or renting of real estate, or both real and personal property, shall be made by and all proceedings shall be had before the clerk of the superior court of the county in which all or any part of the real estate is situated; if the order applied for is for the sale, mortgage or renting of personal property, then said order may be made and the proceedings may be had before the clerk of the superior court of the county in which all or any part of the personal property is situated; such order shall specify particularly the property thus to be disposed of, with the terms of renting or sale or mortgage, and shall be entered at length on the records of the court and all sales and rentings and conveyances by mortgages or deeds in trust made under this section shall be valid to convey the interest and estate directed to be sold or conveyed by mortgage or deed in trust, and the title thereof shall be conveyed by a commissioner to be appointed by the clerk; or the clerk may direct the guardian to file his petition for such purpose. All sales held and conducted under the authority of this section shall be held and conducted according to the terms and provisions of Article twenty-nine of Chapter one of the General Statutes of North Carolina, the same being entitled: "Execution and Judicial Sales."

Procedure for renting or mortgaging property of incompetent.

SEC. 4. Amend Section thirty-five - eleven of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Mortgaging or selling property of an incompetent.

SEC. 35-11. Purposes for which estate sold or mortgaged; parties; disposition of proceeds. When it appears to the clerk, upon the petition of the guardian of any idiot, inebriate or lunatic, that a sale or mortgage of any part of his real or personal estate is necessary for his maintenance, or for the discharge of debts unavoidably incurred for his maintenance, or when the clerk is satisfied that the interest of the idiot, inebriate or lunatic would be materially and essentially promoted by the sale or mortgage of any part of such estate; or when any part of his real estate is required for public purposes, the clerk may order a sale thereof to be made by such person, in such way and on such terms as he shall adjudge. The clerk, if it be deemed proper, may direct to be made parties to such petition the next of kin or presumptive heirs of such nonsane person or inebriate. And if on the hearing the clerk orders such sale or mortgage, the same shall be made and the proceeds applied and secured, and shall

descend and be distributed in like manner as is provided for the sale of infants' estates decreed in like cases to be sold on application of their guardians, as directed in the chapter entitled Guardian and Ward. The word "mortgage" whenever used herein shall be construed to include deeds in trust. All petitions filed under the authority of this section wherein an order is sought for the sale or mortgage of real estate, or both real and personal property, shall be filed in the office of the clerk of the superior court of the county in which all or any part of the real estate is situated; if the order of sale sought in the petition is for the sale or mortgage of personal property, the petition shall be filed in the office of the clerk of the superior court of the county in which any or all of such personal property is situated. All sales of property held and conducted under the authority of this section shall be held and conducted according to the terms and provisions of Article twenty-nine of Chapter one of the General Statutes of North Carolina, the same being entitled: "Execution and Judicial Sales."

County in which the proceeding should be maintained.

SEC. 5. Amend Section thirty-five - fourteen of the General Statutes of North Carolina by inserting immediately after the word "spouse" in the last line of said section the following: All petitions filed under the authority of this section shall be filed in the office of the clerk of the superior court of the county where the real estate or any part of same is situated and all sales held and conducted under the authority of this section shall be held and conducted according to the provisions of Article twenty-nine of Chapter one of the General Statutes of North Carolina, the same being entitled: "Execution and Judicial Sales."

SEC. 6. Amend Section thirty-five - fifteen of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

SEC. 35-15. General law applicable; approved by judge. The proceedings herein provided for shall be conducted under and shall be governed by laws pertaining to special proceedings, and it shall be necessary for any sale or mortgage or other conveyance herein authorized to be approved by the resident judge or the judge holding the courts in the judicial district wherein the property or any part of same is located.

Laws pertaining to special proceedings shall apply and judge must approve mortgages and sales.

SEC. 7. In all cases where a guardian is appointed under the authority of Chapter thirty-three and Chapter thirty-five of the General Statutes of North Carolina, and such guardian applies to the court for an order to sell or mortgage all or some part of his ward's real estate, and such real estate is situated in a county other than the county in which the guardian is appointed and qualified, it shall be the duty of the guardian to first apply to the clerk of the court of the county in which he was appointed and qualified for an order showing that the sale or mortgage of his ward's real estate is necessary. The clerk of the superior

Procedure when ward's real estate lies in county in which guardian does not reside.

court to whom such application is made shall hear and pass upon the same and enter his findings and order as to whether or not said sale or mortgage of the ward's real estate is necessary, and said order and findings shall be certified to the clerk of the superior court of the county in which the ward's land, or some part of same, is located and before whom any petition or application is filed for the sale of said land. Such findings and orders so certified shall be considered by the court or the clerk of the court along with all other evidence and circumstances in passing upon the petition in which an order is sought for the sale of said land.

Validating certain proceedings relating to estates of wards.

SEC. 8. All proceedings heretofore instituted by a guardian in connection with and relating to the estate of his ward under the provisions of Chapter thirty-three of the General Statutes of North Carolina, the same being entitled: "Guardian and Ward," and all proceedings brought by the guardian of an insane or incompetent person under the authority of the provisions of Chapter thirty-five of the General Statutes of North Carolina wherein the petition or other pleadings were filed in the county where the guardian qualified or in the county where the land or the ward was located or any part of same, are hereby validated and all judgments, orders and decrees entered in said proceedings are hereby declared to be valid, lawful, in full force and effect and binding upon the parties thereto: *Provided,* that the validation authorized by this section shall not apply to the sale or mortgage of any real estate upon proceedings instituted by a guardian in the county where the guardian qualified and where the lands sold or mortgaged or some part of same are located in a county other than the county of the qualification of the guardian, unless and until a certified copy or transcript of the complete proceeding shall be recorded in the office of the clerk of superior court of the county in which said land or some part of same is located; *provided, further,* that this section shall apply to all such proceedings instituted prior to the effective date of this Act and that this section shall not be construed as being applicable to or in any manner affecting pending litigation.

Exception.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 272 CHAPTER 427

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF MOORE COUNTY TO APPOINT A COUNTY VETERANS SERVICE OFFICER AND TO APPROPRIATE A SUM FROM THE GENERAL FUND OF THE COUNTY FOR THIS PURPOSE.

The General Assembly of North Carolina do enact:

Authorizing Moore County to appoint county veterans service officer, salary to be paid from the general county fund.

SECTION 1. The County Commissioners of Moore County are hereby authorized and empowered to appoint a suitable person as county veterans service officer. The Moore County Veterans Service Officer shall serve for a term to be determined by the county commissioners and at a salary to be fixed by said commissioners. The County Commissioners of Moore County are hereby authorized and empowered to appropriate from the general fund of the county an amount sufficient to carry out the purposes of this Act.

Duties of said service officer.

SEC. 2. It shall be the duty of the Moore County Veterans Service Officer to:

(1) Acquaint himself or herself with the laws, Federal, State and local, enacted for the benefit of members of the armed forces, their families and dependents.

(2) Collect data and information as to facilities and services available to such persons with regard to education, health and medical care, rehabilitation, housing, employment and all other matters of a similar nature.

(3) Assist veterans, their families and dependents in the presentation of proof and establishment of claims for any benefits they may have under Federal, State or local laws.

Shall have notarial powers.

SEC. 3. The Moore County Veterans Service Officer shall have a seal of office and shall be authorized to take acknowledgments, administer oaths, affirmations, execute depositions and affidavits, and perform other notarial acts necessary to carry out the provisions of this Act.

SEC. 4. All actions taken and things done, prior to the ratification of this Act, by the County Commissioners of Moore County relative to the appointment of a veterans service officer, and any funds appropriated or paid out for such purpose, are hereby validated.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 363 CHAPTER 428

AN ACT TO FIX THE NUMBER OF COUNTY COMMISSIONERS FOR CURRITUCK COUNTY AND TO PROVIDE FOR THEIR NOMINATION AND ELECTION.

The General Assembly of North Carolina do enact:

Fixing number of Commissioners of Currituck County.

SECTION 1. That from and after the first Monday in December, one thousand nine hundred and forty-six, the Board of County Commissioners of Currituck County shall be composed of three members instead of five as it is now constituted. The five commissioners now serving in such capacity shall hold office until the first Monday in December, one thousand nine hundred and forty-six, and at the general election in one thousand nine hundred and forty-six, and biennially thereafter, there shall be elected in said county, three (3) county commissioners who shall hold office for a term of two (2) years and until their successors are elected and qualified.

Nomination and election of Commissioners.

SEC. 2. That at the primary election, for county officers in Currituck County, held in the year one thousand nine hundred and forty-six, and biennially thereafter, the political parties of the county shall nominate as their candidates for the office of county commissioner, one candidate from Fruitville Township. The other two candidates shall be named from the townships of the county other than Fruitville; *provided* that in said primary election all candidates for nomination for the office of county commissioner herein provided for, shall be voted upon by the qualified voters of Currituck County as a whole; and in determining the result of the primary election herein provided for, the candidates from each of the districts receiving the greatest number of votes from the qualified voters of the county as a whole, shall be declared nominees for county commissioner from each of said districts.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act, and particularly Sections one and three of Chapter one hundred twenty-seven of the Public-Local Laws of one thousand nine hundred and thirty-nine, are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 437 **CHAPTER 429**

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER TWO HUNDRED AND THIRTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE, AS AMENDED, RELATING TO THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS FOR THE TOWN OF MURPHY.

The General Assembly of North Carolina do enact:

Mayor and Commissioners of Murphy to serve two years.

SECTION 1. That the term of office of the Mayor and Board of Town Commissioners of the Town of Murphy shall be two years.

Present officials.

SEC. 2. That the term of office of the present Mayor and Board of Town Commissioners of the Town of Murphy is hereby extended until Tuesday after the first Monday in May, one thousand nine hundred and forty-six.

Election dates.

SEC. 3. That the election of the Mayor and Board of Town Commissioners of the Town of Murphy shall be held on Tuesday after the first Monday in May, one thousand nine hundred and forty-six, and biennially thereafter.

General election laws apply except as provided herein.

SEC. 4. That in all respects, except as to the time which is fixed in Section three above, all elections in the Town of Murphy shall be governed by the General Laws of the State as set forth in General Statutes, Sections one hundred and sixty - twenty-nine to fifty-one, both inclusive.

Salaries of town employees.

SEC. 5. That the Board of Town Commissioners of the Town of Murphy shall determine the salaries or compensation of the police officers and of the clerk and treasurer of said town.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 501 CHAPTER 430

AN ACT TO AMEND GENERAL STATUTES OF NORTH CAROLINA, SECTION ONE HUNDRED AND SIXTY-ONE - TEN IN SO FAR AS IT APPLIES TO CERTAIN FEES OF THE REGISTER OF DEEDS OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Relating to certain fees of Register of Deeds of Pender County.

SECTION 1. That the General Statutes of North Carolina, Section one hundred and sixty-one - ten, in so far as it applies to certain fees of the Register of Deeds of Pender County is hereby amended by striking out the words "eighty cents" in line five of the second paragraph thereof and substituting therefor the words "one dollar"; and by striking out the word "ten" in line six of said paragraph and substituting therefor the word "fifteen."

Applies only to Pender County.

SEC. 2. That this Act shall apply only to Pender County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 502 CHAPTER 431

AN ACT TO AMEND GENERAL STATUTES OF NORTH CAROLINA, SECTION ONE HUNDRED AND SIXTY-TWO - SIX, IN SO FAR AS IT APPLIES TO CERTAIN FEES OF THE SHERIFF OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Relating to fees of Sheriff of Pender County.

SECTION 1. That the General Statutes of North Carolina, Section one hundred and sixty-two - six, in so far as it applies to those fees of the Sheriff of Pender County listed hereunder is hereby amended as follows:

The Sheriff of Pender County shall be allowed the following fees and expenses for the following services:

Arrest fee	$2.00
Capias	$2.00
Subpoena in criminal cases	$1.00
Subpoena in civil cases	$1.00
Claim and delivery	$2.50
Civil summons	$1.00
Execution	$1.50
Ejectment	$1.00

Summonsing and qualifying appraisers to allow homestead and personal property exemption (per diem) $2.00

Attachment $2.50

Summonsing and qualifying appraisers for division of land (per diem) $2.00

Summonsing and qualifying for allotting widow's dower (per diem) $1.00

Applies only to Pender County.

SEC. 2. That this Act shall apply only to Pender County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 503 CHAPTER 432

AN ACT TO FIX FEES OF THE REGISTER OF DEEDS OF PENDER COUNTY FOR REGISTERING CROP LIENS.

The General Assembly of North Carolina do enact:

Certain recording fees in Pender County.

SECTION 1. The Register of Deeds of Pender County shall be allowed the sum of fifty cents (50c) for his services in registering any crop lien.

Applies only to Pender County.

SEC. 2. This Act shall apply only to Pender County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 524 CHAPTER 433

AN ACT TO REGULATE THE SALARIES OF SHERIFF AND DEPUTY SHERIFFS AND CLERK OF THE SUPERIOR COURT AND REGISTER OF DEEDS OF MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Amending law fixing salaries of certain officers in McDowell County.

SECTION 1. That Section one of Chapter five hundred and fifty-eight of the Public Local Laws of one thousand nine hundred and thirty-seven be and the same is hereby amended by

striking out all of said section and inserting in lieu thereof the following:

Office deputy for Sheriff.

SECTION 1. That the Board of County Commissioners of McDowell County shall have the authority and it shall be its duty to pay an office deputy or clerical assistant to the sheriff, to be selected and appointed by the Sheriff of McDowell County, a salary to be by said board fixed in its discretion in an amount not less than fifty dollars ($50.00) per month and not more than one hundred dollars ($100.00) per month, payable monthly from the general funds of the county.

SEC. 2. That Section four of Chapter five hundred and ninety of the Public-Local Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by striking out the words and figures appearing in line seven of said section and reading as follows: "Seventy-five dollars ($75.00)" and inserting in lieu thereof the following: One hundred and fifty dollars ($150.00).

SEC. 3. That Section one of Chapter five hundred and eighty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

Salary of Clerk.

That the Clerk of the Superior Court of McDowell County shall receive as his only compensation for services rendered as clerk of the superior court a salary of two thousand eight hundred dollars ($2,800.00) per annum payable in equal monthly installments out of the general funds of the county.

SEC. 4. That Section three of Chapter four hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

Register of Deeds.

The Register of Deeds of McDowell County shall receive as his only compensation for services rendered as register of deeds, ex officio county treasurer, clerk to the board of county commissioners, and for any and all other services now required of him a salary of two thousand five hundred dollars ($2,500.00) per annum payable in equal monthly installments out of the general county fund.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after December fourth, one thousand nine hundred and forty-four.

Ratified this the 8th day of March, 1945.

H. B. 525 CHAPTER 434

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO CLERICAL ASSISTANCE IN THE OFFICES OF REGISTER OF DEEDS AND CLERK OF THE SUPERIOR COURT OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Relating to clerical help in office of Register of Deeds of McDowell County.

SECTION 1. That Section one of Chapter three hundred and thirteen of the Public-Local Laws of one thousand nine hundred and forty-one be and the same is hereby amended by striking out of said section the word "board" appearing in line ten thereof and inserting in lieu thereof the words "Register of Deeds," and by striking out the words and figures beginning with the word "one" at the end of line twelve and reading as follows: "One hundred ($100.00) dollars" and inserting in lieu thereof the following: One hundred and thirty-five dollars ($135.00).

Relating to clerical help in office of Clerk of Superior Court of McDowell County.

SEC. 2. That Section two of Chapter three hundred and thirteen of the Public-Local Laws of one thousand nine hundred and forty-one be and the same is hereby amended by striking out of said section the word "board" appearing in line ten thereof and inserting in lieu thereof the words "Clerk of the Superior Court," and by striking out the words and figures beginning with the word "one" in line twelve thereof and reading as follows: "One Hundred ($100.00) dollars" and inserting in lieu thereof the following: One hundred and thirty-five dollars ($135.00).

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 534 CHAPTER 435

AN ACT TO AUTHORIZE THE COUNCIL OF THE CITY OF GREENSBORO TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE CITY.

The General Assembly of North Carolina do enact:

Authorizing Greensboro to establish a traffic bureau.

SECTION 1. That the Council of the City of Greensboro may by ordinance provide a traffic bureau to accept a plea of guilty

and to otherwise handle the following traffic violations within the city:

Parking over the allowed time
Parking between one a. m. and six a. m.
Parking more than twelve inches from the curb
Parking within twenty-five feet of a street corner
Parking within fifteen feet of a fire hydrant
Parking in a non-parking space
Illegal use of loading zones, bus stops and taxi stands
Parking at entrance of alley or driveway
Parking at left side of curb
Double parking
Not displaying proper lights
Making U turn in street where prohibited
Illegal left or right turn
Disregard of stop sign
Not displaying city license
Obstructing traffic

Other violations of traffic ordinances enumerated in such ordinance.

Penalties to be imposed before issuance of warrant.

SEC. 2. That any person, firm or corporation receiving citations for the above offenses may before warrant is issued pay through the traffic bureau the following amounts as payment of the court cost for such violation and be discharged:

All overtime parking one dollar ($1.00)

All offenses listed above other than overtime parking one dollar and fifty cents ($1.50) first offense, three dollars ($3.00) second offense

For the third offense in any twelve months period warrant shall be issued.

Procedure before said traffic bureau.

SEC. 3. Any person, firm or corporation cited by the police officers of the City of Greensboro to appear before such traffic bureau may submit a plea of guilty to such traffic violation or violations and tender the sum or sums not in excess of the sums provided for in Section two of this Act as payment of court cost for such violation or violations; provided that said ordinance may provide that such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve month period. In the event such person, firm or corporation so cited shall fail to appear as cited or is unwilling to submit a plea of guilty to the traffic violation or violations shown in the citation, thereupon a warrant shall be duly issued by the Police Department of the City of Greensboro and the person so charged with such violation or violations shall be tried upon such warrant in the Municipal County Court of the City of Greensboro.

SEC. 4. That no state tax shall be paid to the State of North Carolina in cases finally disposed of by said traffic bureau. No state tax on cases handled by said traffic bureau.

SEC. 5. That the chief of police shall designate a sufficient number of officers to man said traffic bureau so that any person charged with a traffic violation covered by said ordinance may enter a plea of guilty at any time and pay the costs provided in this Act. Personnel of said bureau.

SEC. 6. That all costs collected in the traffic bureau shall be paid to the treasurer of the city to be treated as costs collected in the Municipal County Court of the City of Greensboro. Collections to go to city.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 536 CHAPTER 436

AN ACT TO AUTHORIZE CITY OF GREENSBORO TO ESTABLISH A WAR MEMORIAL FUND AND A WAR MEMORIAL FUND COMMISSION; TO ACQUIRE AND HOLD PROPERTY INCIDENTAL TO THE CONSTRUCTION OF A WAR MEMORIAL.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter seventy-three of the City Code of the City of Greensboro enacted by the City Council of the City of Greensboro on the sixteenth day of May, one thousand nine hundred and forty-four, be and the same is hereby, in all respects, approved, ratified and validated, said Chapter seventy-three being in words and figures as follows: Validating Greensboro ordinance relating to War Memorial Fund and Commission.

CHAPTER 73

GREENSBORO WAR MEMORIAL FUND COMMISSION

ARTICLE 1

ORDINANCE RELATING TO GREENSBORO WAR MEMORIAL FUND COMMISSION

SECTION 1. Creation of Commission. There is hereby created a commission to be known as Greensboro War Memorial Fund Commission. Creation of War Memorial Fund Commission.

SEC. 2. Members, vacancies. That said commission shall consist of fifteen members to be appointed by the city council for a term of five years each. In the event of vacancy in the member- Fifteen members

ship of the commission, the city council shall make an appointment for the unexpired term.

Serve without pay. No authority to incur obligations.

SEC. 3. No authority to incur expenses, members to serve without pay. The said commission shall not be authorized to incur on behalf of the City of Greensboro any expense without specific approval of the city council, and the members of the commission shall serve without compensation.

Chairman and secretary.

SEC. 4. Officers. The commission shall appoint from its members a chairman and secretary of the commission.

Quorum.

SEC. 5. Eight members of said commission shall constitute a quorum for the transaction of business. No motion shall be carried except by vote of at least eight members.

Removal.

SEC. 6. Removal for cause. The city council may remove a member of the commission for cause.

ARTICLE 2
MEMORIAL TO BE ESTABLISHED

Memorial auditorium.

SECTION 1. It is hereby determined that an auditorium is a desirable and suitable memorial to be established in the City of Greensboro to perpetuate the memory of the men and women of Greensboro whose lives shall have been given for their country during the present war.

The commission may, in its discretion, also include playground and recreation centers and other activities as a part of such memorial.

ARTICLE 3
POWERS AND DUTIES OF THE COMMISSION

Powers and duties of Commission.

SECTION 1. The powers and duties of said commission shall be as follows:

(a) The commission shall study the requirements of the City of Greensboro with respect to the type and kind of auditorium, playgrounds, recreation centers and other activities to be established.

(b) The commission shall advise with and encourage the citizens of Greensboro and the friends of Greensboro who are interested in the city, and in the establishment of such memorial to said men and women of Greensboro whose lives shall have been given for their country during this war, and who desire to make donations to the City of Greensboro in order to make such memorials possible, and to make the City of Greensboro a better and more desirable place in which to live, and of more service to the community.

(c) The commission may, in its discretion, accept on behalf of City of Greensboro special gifts to be used for a specific designated purpose in connection with said memorial.

(d) The commission shall have full and final power and authority to determine and designate the location of such memorial, the plans for construction of such memorial, the furnishing and equipping thereof, all within the limits of the funds paid to City of Greensboro for such purpose, together with any additional sum which may be obtained by City of Greensboro by governmental grant, supplement or otherwise, except as the city council may be restricted by law.

ARTICLE 4
FUNDS TO BE HELD BY CITY OF GREENSBORO

Funds to be held by city.

SECTION 1. Any funds, other than special gifts hereinabove provided for, donated to City of Greensboro for the purpose hereinabove set out, shall be held by City of Greensboro in a separate fund until such time as a location is selected and the remainder held until the construction of said memorial is possible and deemed advisable. The expenses of the commission incident to the duties of the commission, when authorized by the council, shall be paid from said fund. Such funds may be invested in government bonds or other securities authorized by statute for the investment of sinking funds. The income from the investment of said fund shall become a part of the fund.

ARTICLE 5
TERMINATION

Commission terminate 30 days after completion of mission.

SECTION 1. Termination of Commission. The commission created by this chapter is created for the purposes hereinabove set out, and said commission shall terminate thirty days after the completion of the memorial herein mentioned.

City authorized to accept gifts, etc.

SEC. 2. That in addition to the powers conferred upon City of Greensboro by its charter and General Law, said city is authorized and empowered to take by gift, grant, deed or other conveyance, property, real or personal, within or without said city, to be used or converted into cash for the uses and purposes set forth in the foregoing ordinance designated as Chapter seventy-three. Gifts heretofore and hereafter made to City of Greensboro for said war memorial fund shall be held, invested and expended by the city as provided in said Chapter seventy-three.

Recreation center.

SEC. 3. That City of Greensboro in addition to the powers conferred upon it by its charter and General Law is specifically authorized to expend funds held for said war memorial for the purpose of purchasing real and personal property, and the construction of buildings, playgrounds, recreation center and other construction necessary to properly carry out the intentions set

forth in the foregoing ordinance for the establishment of a proper war memorial.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 542 CHAPTER 437

AN ACT FIXING THE SALARY OF THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section three of Chapter one hundred fifty-six of the Session Laws of one thousand nine hundred and forty-three is hereby repealed and there is inserted in lieu thereof, the following:

Salary of Chairman of Board of Commissioners of Mecklenburg County to be $5000.00.

SEC. 3. The salary of the Chairman of the Board of County Commissioners of Mecklenburg County shall be five thousand dollars ($5,000.00) per year, payable in equal monthly installments.

Effective date.

SEC. 2. The salary herein fixed shall be effective the first month after the ratification of this Act.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 543 CHAPTER 438

AN ACT TO FIX THE SALARIES OF CERTAIN OF THE PUBLIC OFFICIALS OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Relating to salaries of certain officials in Carteret County.

SECTION 1. That notwithstanding the provisions of Chapter four hundred and eight of the Public-Local Laws of one thousand nine hundred and twenty-one, or any other legislative Act, general or special, heretofore passed relating to the salaries of the county officials of Carteret County, authority hereby is conferred upon and vested in the Board of Commissioners of the

said County of Carteret to fix, determine, and allow an increase of salary to the clerk of the superior court, sheriff, and register of deeds of said county; and when, after appropriate resolutions by said board of commissioners, such salary increase shall have been allowed, such allowance shall have the same validity and effect as though directly fixed by legislative enactment. *Provided, however,* that no increased allowance shall be made that shall make the total salary of the said clerk more than three thousand and three hundred dollars ($3300.00) a year, and which total authorized salary shall be in lieu of all other compensations as clerk, judge of the juvenile court, clerk of recorder's court, or other ex officio compensation. Neither shall any increased allowance to the sheriff exceed the salary total of three thousand and three hundred dollars ($3300.00) a year, and which sum total shall be in lieu of all other compensations as said sheriff for which otherwise the said county would or might be liable. Nothing herein is intended, however, to prevent the said sheriff from receiving, in addition to such fixed and determined compensation, the regularly prescribed fees for the serving of processes, handling of executions, warrants and other writs wherein the said county is not taxed in the bill of costs or otherwise called upon or required to pay. Nor shall any increased allowance to the register of deeds exceed a total salary of three thousand three hundred dollars ($3300.00) a year, and which sum total shall be in lieu of all other compensations as said register of deeds, including clerk ex officio to the board of commissioners.

Effective until March 15, 1947.

SEC. 2. That the provisions of Section one above, and all benefits which thereafter may accrue, shall be effective only to March fifteenth, one thousand nine hundred and forty-seven.

Compensation of Commissioners of Carteret County.

SEC. 3. That in lieu of per diem and any and all other allowances, the Chairman of the Board of Commissioners of Carteret County shall be paid from the general fund of the county a salary of fifty dollars ($50.00) a month; and all other members of the said board, in lieu of per diem, mileage, and any and all other allowances, shall be paid a salary of twenty-five dollars ($25.00).

SEC. 4. That any allowances heretofore made by the board of commissioners to any of the county officials of Carteret County under any misconstruction of the applicable laws controlling are hereby and in all respects approved, ratified and validated.

Conflicting laws repealed.

SEC. 5. That any and all laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That the provisions of this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 545 CHAPTER 439

AN ACT TO APPOINT A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Appointing William R. Kirk as member of Board of Water Commissioners of Hendersonville.

SECTION 1. That pursuant to provisions contained in Chapter one hundred and thirteen, Pages one hundred and fifty to one hundred and fifty-nine of the Public, Local and Private Laws, entitled "An Act to amend the Charter of the City of Hendersonville" ratified December nineteenth, one thousand nine hundred and twenty-one, William Redin Kirk be and he is hereby re-elected and appointed a member of the Board of Water Commissioners of the City of Hendersonville for a term of six years. His term of office shall begin at the expiration of his present term to which he was duly elected by the North Carolina Legislature, all as provided in the above mentioned Act.

Conflicting laws repealed.

SEC. 2. That all laws and parts of laws conflicting with the provisions of this Act be and the same are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 546 CHAPTER 440

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CERTAIN COUNTIES TO CONTRIBUTE TO THE WESTERN NORTH CAROLINA FAIR.

The General Assembly of North Carolina do enact:

Authorizing certain counties to contribute to Western North Carolina Fair.

SECTION 1. That the boards of commissioners of the counties named in the charter or certificate of incorporation of Western North Carolina Agricultural and Industrial Fair Association are hereby authorized and empowered in their discretion to make reasonable contributions to said association out of any surplus fund which may exist in any of said counties hereafter. Any money contributed by any of said counties shall be used by the fair association under supervision of its board of directors, for the purpose of promoting an agricultural and industrial fair.

Former Contributions ratified.

SEC. 2. Any contribution made to said association by any of said counties is hereby ratified and approved.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 555 CHAPTER 441

AN ACT TO FIX THE COMPENSATION OF THE COUNCILMEN AND MAYOR OF THE TOWN OF EDENTON, IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Compensation of Councilmen of Edenton.

SECTION 1. That the Town Councilmen of the Town of Edenton, in Chowan County, shall receive as full compensation for the performance of their duties as councilmen the sum of five dollars ($5.00) each for each meeting attended.

Salary of Mayor.

SEC. 2. That the Mayor of the Town of Edenton, in Chowan County, shall receive as full compensation for the performance of his duties as mayor the sum of two hundred dollars ($200.00) per annum.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 559 CHAPTER 442

AN ACT TO FIX COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of Commissioners of Currituck County.

SECTION 1. The members of the Board of County Commissioners of Currituck County shall each receive a per diem of seven dollars and fifty cents ($7.50), with mileage to and from their homes to the county seat of five cents (5c) per mile as a compensation for attending the meetings of the board of county commissioners.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 560 CHAPTER 443

AN ACT FIXING THE PER DIEM OF THE MEMBERS OF THE BOARD OF EDUCATION OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of Board of Education of Currituck County.

SECTION 1. The members of the Board of Eduvation of Currituck County shall receive a per diem of seven dollars and fifty cents ($7.50) and mileage of not exceeding five cents (5c) per mile to and from the sessions of the board held in the court house.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 567 CHAPTER 444

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE TAX COLLECTOR OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter one hundred and fifty-two of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby amended as follows:

(1) Amend Section eight by rewriting the first sentence thereof to read as follows:

Relating to delinquent taxes in Halifax County.

A delinquent tax notice, stating date of audit, amount of tax due and the year for which levied, shall be prepared by the county accountant for each delinquent taxpayer and mailed to his last known address at such times as the board of county commissioners may direct.

(2) Amend Section ten by rewriting said section to read as follows:

Procedure for prepaying taxes.

SEC. 10. Any taxpayer of Halifax County who desires to make a prepayment of his taxes prior to September first of any year may do so by making payment to the Tax Collector for Halifax County. Whenever any such payments are made, the tax collector shall issue a temporary receipt to the taxpayer and the same shall be credited, together with the discount to the taxes levied to the person, firm or corporation, which credit shall include discount upon the above basis. The tax collector

shall immediately deposit such payments to a special account with the county fiscal agent designated as "prepayment of taxes" to be used immediately, if necessary, for the purpose for which the taxes were levied. The tax collector shall credit such payments on the tax blanks of those taxpayers who have made prepayment of taxes and when any taxpayer's tax has been paid in full, the tax collector shall mail to such taxpayer the official receipt therefor.

(3) Amend Section fourteen by striking out the words "at least twice each week" in line five and inserting in lieu thereof the words "at such times as the board of county commissioners may direct."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 589 **CHAPTER 445**

AN ACT TO CREATE A RETIREMENT SYSTEM FOR THE EMPLOYEES OF UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created a board of trustees in the County of Union to be known as the "Board of Trustees for the Retirement System of Union County, North Carolina," and the board of trustees shall consist of four persons to be selected as follows: One by the employees of Union County and one by the Commissioners of Union County, and these two shall select a third member of the board, who shall serve for a period of two years, at which time and every two years thereafter his successor shall be selected in the same manner, and the Auditor of Union County is hereby designated a member of said board of trustees without voting power. The said trustee shall be appointed by the board of county commissioners on the first Monday in July, one thousand nine hundred and forty-five, to serve until the first Monday of January, one thousand nine hundred and forty-seven, and every two years thereafter. The one member selected by the employees of the county shall be selected to take effect the first Monday of July, one thousand nine hundred and forty-five, to serve until the first Monday of January, one thousand nine hundred and forty-six, and his successor shall be selected every two years thereafter. All of said trustees shall serve without compensation.

Creation of Board of Trustees for the Retirement System of Union County.

The county auditor or any other person selected by the trustees shall be the clerk and treasurer of the said retirement fund and shall be allowed for his services such sum as the board of trustees shall find equitable.

Object of System.

The object of this Act is to provide a retirement fund for any permanently disabled or superannuated employee of said county, as hereinafter provided, and to provide necessary funds to continue payments of compensation to those persons who may be placed on the retirement rolls of said county.

Powers of Board.

SEC. 2. That the Board of Trustees for the Retirement System of Union County shall have the power to invest and reinvest from time to time said pension fund or any part thereof in the name of "Board of Trustees for the Retirement System of Union County" in interest bearing bonds of the United States, of the State of North Carolina, or the County of Union. In case such pension fund or any part thereof shall, by order of said board or otherwise, be deposited in any bank or banks, all interest or money which may be paid or agreed to be paid on account of such sums on deposit shall belong to and constitute a part of said fund, as well as any other income or accretions arising from any investments made under this Act.

Annual Report to County Commissioners.

SEC. 3. That the said board of trustees shall make a full report of the status of said fund to the Board of Commissioners of Union County at the first regular meeting of said commissioners in July of each year.

County Attorney to be attorney for Board.

SEC. 4. That it shall be the duty of the County Attorney of the County of Union to give advice to said board of trustees in all matters pertaining to their duties and the management of said Retirement System of Union County whenever so requested, and he shall represent and defend said board as its attorney in all suits or actions of law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined by said board.

Board shall have power to make regulations and administer system.

SEC. 5. That the board of trustees for the retirement system shall have power to make all needful rules and regulations for the management of the pension fund not inconsistent with the provisions of this Act, and said board shall hear and pass upon all applications for pensions under this Act, and its decisions on such applications, except where the same are in conflict with this Act, shall be final and conclusive. The board shall cause to be kept a record of all its meetings and proceedings.

SEC. 6. The retirement compensation for permanent disability and superannuation shall be subject to the following regulations:

Relating to permanent disability and superannuation.

(a) Any employee of Union County, who has attained the age of sixty years, may, upon his request, be placed on the retired list and shall receive such sums as he may be entitled to under Subsection (b), and anyone who has been in the employ of the county as long as ten years, and who has become disabled and unable to continue to perform satisfactorily the services required of him, may be placed on the retirement rolls in the discretion of the trustees and said disabled employee shall receive as his retirement compensation such sum as he shall be entitled to under the scale shown in Subsection (b).

Scale of pay.

(b) All employees who shall be placed on the retirement rolls shall receive from the retirement fund, in regular monthly payments, a sum equal to thirty per cent (30%) of his average salary for the preceding three years; *provided,* he has been in the employ of the county for as long as ten years, which rate shall be increased one per cent (1%) for each additional year's service; but in no case shall he (or she) receive more than fifty per cent of his (or her) former salary.

Medical examinations.

(c) That in all instances where the services of a physician are found necessary for the examination of an applicant seeking a pension, the certificate of such physician or surgeon shall be secured by the board, and be carefully preserved by it.

Refunds to withdrawing members.

(d) Anyone who is a member of the retirement system of the county and who shall sever his connection with the county before becoming entitled to retirement compensation shall have such sum as has been paid in by him refunded. In case such severance is by death, such amount shall be refunded to his (or her) administrator or executor.

Authorizing appropriation by County.

SEC. 7. That the Commissioners of Union County are hereby authorized and directed to appropriate not less than two thousand five hundred dollars ($2,500.00) from the poor and health fund of said county for the fiscal year beginning July first, one thousand nine hundred and forty-five, and shall thereafter appropriate a sum equal to not less than five per cent (5%) of the annual salary of each employee.

Deductions from salaries of county employees.

(a) The county auditor shall deduct four per cent (4%) from the monthly salary of each employee member and pay the said amount to the retirement fund.

Joint employees of city and county.

(b) In case of employees employed jointly by the county and the city, their proportion of payroll deductions by the county for the benefit of the retirement fund and in case of retirement, the proportion paid to them from the retirement fund shall bear the same relation to their total salary as that part of their salary paid by the county bears to the total salary received by them.

Authorized to accept gifts.

(c) The board of trustees, as herein provided for, may accept and receive any gift, grant, or bequest of any real or personal property or other things of value for, and as the property of, said retirement fund, and hold, invest, and disburse the same for the uses of said fund, in accordance with the purposes of this Act.

Persons to be included in System.

SEC. 8. This Act shall apply to all persons who are now employed by the county or who may hereafter be employed by the county, except those for whom a retirement system has been established by the laws of North Carolina, and casual workers.

The term "employee" shall be construed to mean anyone employed by the county in either an elective or appointive position.

Records to be kept.

SEC. 9. That there shall be kept in the office of said board of trustees by its secretary a book to be known as the "List of Retired Employees." This book shall give a full and complete history and record of all the actions of the board of trustees in retiring any and all persons under this Act; such records shall give names, dates of employment by the county, date of retirement, and the reason therefor, of any and all persons retired.

Exempt from ad valorem tax.

SEC. 10. That the pension fund herein provided for shall be exempt from taxation.

Funds to be held in trust.

SEC. 11. That the board of trustees shall hold all funds collected, upon the trusts and for the purposes set out in this Act, and shall be clothed with all the power and authority and subjected to all the duties and restrictions in this Act contained.

Constitutionality.

SEC. 12. That if any section of this Act shall be declared unconstitutional or invalid, it shall in no way invalidate any other section.

Conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 605 CHAPTER 446

AN ACT TO FIX A FEE FOR TRANSPORTING PRISONERS TO AND FROM JAIL IN DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Fixing special fee for transporting prisoners to and from jail in Davie County.

SECTION 1. That for transporting prisoners to and from jail, any Deputy Sheriff or Constable of Davie County shall receive an extra fee of one dollar ($1.00) to be taxed in the bill of costs: *Provided,* that where the defendant is found not guilty and the

costs are not taxed against the prosecuting witness, said deputy sheriff or constable shall receive no fee.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 622 CHAPTER 447

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR DARE COUNTY TO MAKE APPROPRIATIONS FOR COUNTY ADVERTISING FROM NONTAX FUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners for Dare County are hereby authorized and empowered, in their discretion, to annually appropriate from revenue not derived from taxation such sums as they shall determine, not exceeding three thousand dollars ($3,000.00) for any one year, to be used in such manner as they shall provide for advertising Dare County. Authorizing Dare County to expend $3000.00 annually for advertising county.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 632 CHAPTER 448

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF HOKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That each member of the Board of County Commissioners of Hoke County, other than the chairman of said board, shall receive for his services in attending the regular and special meetings of the board the sum of five dollars ($5.00) per day. The chairman of said board of commissioners shall receive for his services in attending the regular and special meetings of said board the sum of seven dollars and fifty cents ($7.50) per day. Each member of the board, including the chairman, shall be allowed mileage to and from the respective places of meeting of said board at the rate of five cents (5c) per mile. Fixing compensation of Commissioners of Hoke County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 635 CHAPTER 449

AN ACT FIXING THE COMPENSATION OF THE JUDGE OF THE HAMLET RECORDER'S COURT IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of Judge of Hamlet's Recorder's Court at $1800.00.

SECTION 1. That from and after March first, one thousand nine hundred and forty-five, the Judge of the Hamlet Recorder's Court in Richmond County shall be paid an annual salary of one thousand and eight hundred dollars ($1,800.00).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 637 CHAPTER 450

AN ACT TO MAKE THE COUNTY ACCOUNTANT IN CURRITUCK COUNTY AN ELECTIVE OFFICE IN ONE THOUSAND NINE HUNDRED AND FORTY-SIX.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter thirteen of the Local Laws of one thousand nine hundred and thirty-nine is hereby repealed.

Creating in Currituck County office of county accountant with salary of $900.00.

SEC. 2. There is created in Currituck County the office of county accountant who shall receive a salary of nine hundred dollars ($900.00) per year to be paid in monthly installments. James A. Taylor is hereby appointed accountant of Currituck County and his term of office shall begin April first, one thousand nine hundred and forty-five and shall serve until the first Monday in December, one thousand nine hundred and forty-six.

Primary and election.

SEC. 3. In the primary election held in Currituck County in the year one thousand nine hundred and forty-six for the nomination of candidates for the Legislature and other county offices, there shall be nominated a candidate for the office of county accountant and at the general election held in said county

in November, one thousand nine hundred and forty-six, there shall be elected by the qualified voters of Currituck County, a county accountant who shall serve for a term of four years and until his successor is duly qualified. Quadrennially thereafter, there shall be nominated and elected in Currituck County a county accountant as herein prescribed.

Oath and bond.

SEC. 4. The county accountant herein provided for, before entering the duties of the office shall take the oath of office and give bond in a sum to be fixed by the board of county commissioners.

Office.

SEC. 5. The county accountant office shall be in the sheriff's office and the board of county commissioners shall furnish him with a desk and the necessary files for the office.

Special levy for county accountant.

SEC. 6. The Board of County Commissioners of Currituck County is hereby authorized and empowered to levy a special tax to produce a sum not in excess of three hundred dollars ($300.00) to take care of the difference between the salary now being paid to the county accountant and the salary herein fixed. Such levy may be made each and every year the county commissioners find it necessary in order to provide the sum of three hundred dollars ($300.00) to meet the salary of the county accountant.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 649 CHAPTER 451

AN ACT TO ENABLE THE CITY OF HENDERSON, THE CITY OF OXFORD, THE COUNTY OF GRANVILLE, AND THE COUNTY OF VANCE, TO JOINTLY ESTABLISH AN AIRPORT AND PROVIDING FOR THE MAINTENANCE OF A JOINT AIRPORT BY SAID CITIES AND COUNTIES.

The General Assembly of North Carolina do enact:

Airport defined.

SECTION 1. Airport or landing field for the purposes of this and the sections following is defined as any plot of land or water formally set aside, and designated, as a place where aircraft may land or take off.

Authorizing towns of Henderson and Oxford and Counties of Granville and Vance to acquire and operate jointly an airport.

SEC. 2. The governing bodies of the City of Henderson, City of Oxford, County of Granville, and County of Vance are hereby authorized to jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate, airports or landing fields for the use of airplanes and other aircraft without the limits of said cities and within the limits of both of said counties, or either of them, and may use for such purpose or purposes any properties suitable therefor that are now or at any time hereafter may be jointly owned or controlled by said cities and counties.

Granting power of eminent domain.

SEC. 3. Any lands acquired, owned, controlled, or occupied by said cities, and counties, for the purposes enumerated in Section two hereof, or which may be later acquired for said purposes, shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose, and said cities and counties shall have the right to acquire property for such purposes under the power of eminent domain as and for a public purpose.

Methods for acquiring and paying for site.

SEC. 4. Private property needed by said cities and counties for an airport or landing field may be acquired by gift or devise, or shall be acquired by purchase if said cities and counties are able to agree with the owners on the terms thereof, otherwise by condemnation, in the manner provided by law under which cities and counties are authorized to acquire real property for public purposes, other than street purposes, or if there be no law, in the manner provided for and subject to the provisions of the condemnation law. The purchase price, or award, for property acquired for an airport or landing field may be paid for by an appropriation of moneys available therefor, or by the application of any funds derived by either of said counties, or either of said cities from the sale of any lands now or heretofore owned for airport or landing field purposes or other purposes, or wholly or partly from the proceeds of the sale of bonds of either of said cities or either of said counties as the governing bodies of such cities and counties may determine.

SEC. 5. The power to acquire lands by condemnation herein granted to said cities and counties for the purpose of such airport or landing field shall embrace the power to acquire by condemnation any dwelling, yard, orchard, garden, kitchen, church, burial ground, graveyard, or cemetery located on or situate upon the lands found necessary to be acquired for such purpose; and in event there are graves located on such lands which be necessary to be acquired for such purposes by condemnation, it shall be lawful for said cities and counties, after thirty days notice to the husband or wife, or next of kin of the deceased buried therein, or the person in control of such graves, if any are known, and if not known, then after publishing a notice once a week for four cosecutive weeks in a newspaper published in Vance County and for a like period in a newspaper published in

Granville County, to open such graves, and to take therefrom any dead body, or part thereof buried therein, and anything interred therewith, and to remove and reinter the same in some other cemetery or suitable place in the same county to be selected by the next of kin, or welfare officer of the county or by the clerk of the superior court of said county, in the order named. Due care shall be taken to do this work in a proper and decent manner, and, if necessary, to furnish suitable coffins or boxes for reinterring said remains. Due care shall also be taken to remove all tombstones and other markers from said graves, and to protect and replace all such tombstones or other markers so as to leave the new grave in as good condition as the former one. All of said work shall be done under the direction and supervision of the welfare officer of the county, if one, or her representatives, but if there is no welfare officer, then under the direction and supervision of the clerk of the superior court of said county, or his representatives. All expenses connected with said work, including the actual expenses of one of "next of kin" in attending to the same, if one does attend, shall be borne by said cities and counties doing or causing the same to be done.

Procedure in respect to cemeteries included in desired site.

SEC. 6. The governing bodies of said cities and counties and each of them are hereby authorized to appropriate and use from the net proceeds derived from the operation, by either of said cities or either of said counties, of any public utility, or from funds derived from any source other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to planning, laying out, establishing and maintaining of any airport in such proportion and upon such equal proportion as may be determined by the governing boards of said cities and counties. Provided nothing herein shall be construed to permit the governing bodies of said cities or counties to issue bonds under the provisions of this Act without a vote of the people.

Not to use funds derived from ad valorem taxes.

No bonds to be issued without a vote of the people.

SEC. 7. The joint board to be appointed by the governing bodies of the said cities and counties shall be appointed as follows: Each municipality shall be entitled to one representative on said board and that representative shall be appointed biennially by a majority of the governing body of said municipality, at the first regular meeting in July. Said representative shall hold office from his appointment until the first regular meeting of the governing body in the second July thereafter, when his successor shall be appointed. Only a city or cities contributing an equal amount to the establishment of an airport shall have a representative on the board, unless the city and county in which it is located shall agree among themselves as to a different formula for raising the fifty per cent (50%) of the total cost which each county and the city located therein must bear in the total cost, in which event said municipality shall be entitled to one representative on said joint board. Each county shall be entitled to have one representative on said board, and that repre-

sentative shall be appointed biennially by a majority of the board of county commissioners of said county, at the first regular meeting in July. Said representative shall hold office from his appointment until the first regular meeting of the board of county commissioners in the second July thereafter, when his successor shall be appointed. Only a county which contributes an equal amount to the establishment of such an airport shall be entitled to have representation on said board, unless the county and the city located therein shall agree on a different formula for raising its fifty (50%) in which event said county shall be entitled to be represented on said board. It being the intention of this section to provide representation on said board for the city and the county in which it is located on said board in event the city and county in which it is located shall pay fifty per cent (50%) of the total cost of establishing such airport. The said board so appointed by the governing bodies of the cities and counties, shall be known as the "Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance." Upon the occurrence of any vacancy on said authority, said vacancy shall be filled within sixty (60) days after notice thereof at a regular, or special meeting called for that purpose, meeting of the governing body of the governmental unit which has the vacancy within its representation. Within thirty (30) days after the ratification of this Act the governing bodies of each of said cities and counties may appoint its representatives on said board to hold office until his successor shall be appointed in the manner hereinbefore set out: *Provided, however*, that the representative first so appointed by each municipality shall hold office from his appointment until the following July, at which time his successor shall be appointed as hereinbefore set out, and provided further that each of the resentatives first so appointed by each of said counties shall hold office from his appointment until the second July thereafter, at which time his successor shall be appointed in the manner hereinbefore set forth.

The Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance to consist of one representative selected by each unit.

SEC. 8. The board so appointed by the governing bodies of said cities and counties shall act in an administrative capacity and shall be vested with the authority to establish, construct, control, lease, maintain, improve, repair, operate and regulate the joint airport or landing field. It shall have complete authority over any airport or landing field jointly acquired by the several governmental bodies represented on said board. Provided that the said board or the individual members thereof shall have no authority to pledge the credit of any of said governmental units. The said board shall have authority to deal with the Civil Aeronautics Authority of the United States Government and any other representative of the Federal Government relative to the grading, constructing, equipping, improving, repairing, maintaining and operating of airports or landing fields established

Said board shall have complete authority relating to the airport.

under the authority of this Act. A majority of the board shall control its decisions. At the first meeting of the board, and annually thereafter it shall select a chairman from among its members. Each member of said board, including the chairman, shall have one vote. The said authority shall meet at such time and such place as the chairman of the authority shall designate. Or upon failure of said chairmain to select a time or place at such time and place as shall be requested in writing by two or more members of the authority. The members of said board, who are fulltime employees of either of said governing boards shall serve without compensation other than actual expenses. Members of said board who are not fulltime employees of any of the governing bodies may be allowed compensation, not to exceed ten dollars ($10.00) per day for days actually spent in the performance of their duties as members of the authority. The members of the authority shall be empowered to employ a secretary for said board at such salary as may be agreed upon by the various governing bodies. The members of said authority shall take the oath of office to be administered by the clerk of the superior court in the county in which the member of the authority resides. Members of said authority shall not be personally liable in any manner for their acts as members of the authority, except for misfeasance or malfeasance. Said authority shall have the right and is empowered to expend such funds as are appropriated from time to time by the said governmental units jointly or severally for joint airport purposes and is empowered to enter into contracts and pledge the credit of the authority to the extent of moneys appropriated by said governmental units for joint airport purposes.

Applies only to Henderson, Oxford, Granville and Vance.

SEC. 9. This Act shall apply only to the City of Henderson, the City of Oxford, the County of Granville, and the County of Vance.

Constitutionality.

SEC. 10. If any part of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act.

Conflicting laws repealed.

SEC. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 12. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 656 CHAPTER 452

AN ACT RELATING TO THE DRAWING OF GRAND JURORS IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Relating to drawing grand jurors in Mecklenburg County.

SECTION 1. That on the first Monday of the month preceding the month in which the term of the present members of the grand jury of Mecklenburg County expire, the board of county commissioners of said county is hereby authorized, empowered, and directed to draw in the manner prescribed by law, nine grand jurors to serve for a period of three months and nine grand jurors to serve for a period of six months from and after the expiration of the term of the present members of the grand jury. At the end of the term of the nine members selected for three months there shall be selected nine grand jurors for a period of six months and thereafter all said grand jurors upon expiration of their term shall be selected for a term of six months.

Authorizing judge to discharge grand jury.

SEC. 2. That the judge presiding over any term of the Superior Court of Mecklenburg County may at any time discharge said grand jury from further service in which event he shall cause the board of county commissioners to draw a new grand jury, which shall be drawn and shall serve as provided in Section one hereof.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 659 CHAPTER 453

AN ACT TO MAKE MRS. ADELAIDE J. PEIFFER AND MISS COLUMBIA MUNDS ELIGIBLE FOR BENEFITS UNDER THE RETIREMENT SYSTEMS OF THE COUNTY OF NEW HANOVER AND THE RETIREMENT SYSTEM OF THE CITY OF WILMINGTON.

WHEREAS, Mrs. Adelaide J. Peiffer and Miss Columbia Munds have been engaged in the duties of public health nursing under the control, direction and supervision of the Consolidated Board of Health of New Hanover County respectively since the first day of May, one thousand nine hundred and eighteen and the first day of December, one thousand nine hundred and eighteen, to the present time, with all of their working time devoted to said public health nursing and all of their duties assigned by and under the control of the Consolidated Board of Health of New Hanover County and its health officer; and

WHEREAS, at the one thousand nine hundred and forty-three Session of the General Assembly an Act known as Chapter six hundred and sixty-nine was passed creating a Retirement System for the Employees of New Hanover County and at said session an Act was also passed known as Chapter seven hundred and eight creating a Retirement System for Employees of the City of Wilmington, and each of said Acts also provided that in case of employees employed jointly by the said county and city the proportion of payroll deductions for the benefit of said retirement funds should be deducted, and in case of retirement of joint employees the proportion paid from the retirement fund, should bear the same relation to the total salary of employees as that part of the salary of such employees paid respectively by the said county and city bears to the total salary received by such employees; and

WHEREAS, in the case of "H. W. Hunter et al vs. Board of Trustees of the Retirement System of the City of Wilmington," among other things, it was held by the Supreme Court that employees of the Consolidated Board of Health of New Hanover County were joint employees of the City of Wilmington and County of New Hanover, and as such were entitled to be treated as eligible employees and to be placed upon the pension rolls of said retirement systems; and

WHEREAS, the relation of Mrs. Adelaide J. Peiffer and Miss Columbia Munds to the Consolidated Board of Health of New Hanover County, and the duties performed by them for said board of health and in the interest of public health are such that they are entitled to be treated as employees of the Consolidated Board of Health and joint employees of the County of New Hanover and City of Wilmington within the purview and meaning of the Acts creating the respective retirement systems aforesaid: Now, therefore,

The General Assembly of North Carolina do enact:

Making Mrs. Adelaide J. Peiffer and Miss Columbia Munds eligible as members of Retirement Systems of County of New Hanover and City of Wilmington.

SECTION 1. That Mrs. Adelaide J. Peiffer and Miss Columbia Munds are hereby declared to be employed by and under the direction of the Consolidated Board of Health of New Hanover County, and by reason whereof they, and each of them, are joint employees of the County of New Hanover and City of Wilmington and entitled to become eligible members of the Retirement systems of the County of New Hanover and City of Wilmington upon the payment to the trustees of said retirement systems of the payroll deductions required by joint employees of said county and city.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed.

SEC. 3. This Act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 663 CHAPTER 454

AN ACT AUTHORIZING CARTERET COUNTY TO SELL AND CONVEY CERTAIN PROPERTIES OWNED BY IT AT PUBLIC OR PRIVATE SALE AND TO RATIFY SALES HERETOFORE MADE BY SAID COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Carteret County to sell certain real estate at either private or public sale.

SECTION 1. Carteret County and its board of commissioners be and they are hereby authorized and empowered to offer for sale and to sell either at public or private sale, by auction or otherwise, and upon such terms and conditions as may appear to be in the greater interest of the county any and all real estate heretofore acquired, or which may hereafter be acquired by said county, whether the title to the same be in the name of Carteret County, or in the name of some trustee, or trustees, holding for said county through foreclosure proceedings for the enforcement of payment for delinquent taxes and all real estate heretofore, or which may be hereafter acquired through direct conveyance by the delinquent taxpayer in whose name title was outstanding at the time.

Validating certain sales already made.

SEC. 2. That any sale or sales of real estate heretofore made by Carteret County, either through its board of commissioners or by some trustee, or trustees, for or on behalf of said county when the same has been authorized by a resolution of the board of commissioners of said county, are hereby ratified and confirmed.

Methods of sale.

SEC. 3. The board of commissioners of said county shall have the power and authority to appoint and designate agents or agencies of the said county to conduct such sales but shall not allow to such agent or agencies a commission for such service in excess of ten per cent of the sales price including costs and expenses, *provided, however,* that no agent, agents or agencies that may be appointed shall have the power and authority without the proposed sales price first having been submitted to and approved by the board of commissioners by appropriate resolution, which resolution shall be made a permanent record in the official minutes of the said county, and *provided further* that no conveyance shall be made on behalf of said county except by and in the name of said county by the chairman of its board of commissioners and attested by the clerk to said board and the official seal attached, or by duly authorized trustee, or trustees,

and all by and under authorization by the board of commissioners through a regular and appropriate resolution of said board.

SEC. 4. That all laws and clauses of laws in conflict with this Act are repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after ratification.

Ratified this the 8th day of March, 1945.

H. B. 673 **CHAPTER 455**

AN ACT TO AMEND SECTION ONE HUNDRED AND ONE - TWO OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE RIGHT OF A PERSON TO CHANGE HIS NAME OR THE NAME OF A CHILD IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one hundred and one - two of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

SEC. 101-2. The Procedure for Changing Name; Petition; Notice. A person who wishes, for good cause shown, to change his name, or to have his named changed on the vital statistics records of the county and State, must file his application before the clerk of the superior court of the county in which he lives. If the person whose name it is desired to be changed is under the age of twenty-one years, such person's father or mother may file the petition in his or her behalf. When the petition is filed by the mother, ten days' notice must be given to the father, and if the petition is filed by the father, ten days' notice must be given to the mother. If the father or the mother to whom such notice should be given is dead, then notice shall be given by publishing said notice once a week for two successive weeks in some newspaper published in the county of residence of the applicant, or if there is no newspaper published in said county. then by publishing said notice once a week for two successive weeks in some newspaper that has general circulation in the county. Any of the next of kin of the dead parent shall be deemed to be interested parties and may appear and object to such petition if it is so desired. In any procedure to change the name of a person as above set forth, ten days' notice of the application must first be published at the courthouse door of the county in which the proposed change is to take place. Procedure for changing names of persons in Chowan County.

SEC. 2. If it shall finally be decided that the petitioner is entitled to the relief sought in the petition and that the name of the applicant should be changed as set forth in the petition, the clerk of the superior court shall find the facts and enter an order to that effect. It shall be the duty of the clerk of the superior court to certify under the seal of his office a copy of said order to the register of deeds of the county and upon receipt of same, it shall be the duty of the register of deeds to change the name of the petitioner or applicant on the vital statistics records maintained in his office and the register of deeds shall certify such change of name to the Director of the Bureau of Vital Statistics of the State of North Carolina to the end that such change of name shall be entered upon the records of the Director of the Bureau of Vital Statistics. If the petitioner or applicant requests in the petition that the name of his or her father or mother be changed on the vital statistics records and the clerk finds as a fact that such change should be made, it shall be his duty to incorporate such change of name of the father or mother in his order and certify the same to the register of deeds, and thereupon it shall be the duty of the register of deeds to change the name of the father or mother on the vital statistics records, and certify such change of name of the father or mother to the Director of the Bureau of Vital Statistics of the State of North Carolina to the end that the name of such father or mother may be changed upon the records of his office.

Applies only to Chowan County.

SEC. 3. That this Act shall apply only to Chowan County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

H. B. 677 CHAPTER 456

AN ACT TO PERMIT AND ALLOW THE COUNCIL OF THE CITY OF WILMINGTON TO COMPROMISE AND ADJUST STREET ASSESSMENTS ON PROPERTY OWNED BY CHURCHES.

The General Assembly of North Carolina do enact:

Authorizing Wilmington to adjust street assessments on property owned by churches.

SECTION 1. That the Council of the City of Wilmington is hereby authorized and empowered in its discretion, from time to time, to remit, reduce, cancel, settle, and otherwise compromise or discharge any existing indebtedness due and owing for street or sidewalk assessments by any church or church property or any such indebtedness due or owing by the board of trustees of any church on church property and other property be-

longing to any church located in the City of Wilmington and used for religious purposes.

The said council is further authorized and empowered to release and discharge such property used by any church for religious purposes from the lien created by such assessments.

Restricted to property owned by churches.

SEC. 2. Provisions of this Act shall apply to existing indebtedness for street and sidewalk assessments against church property as referred to and defined in Section one; and this Act shall in no wise affect the payment or collection of existing liens respecting property other than property owned by churches and used for religious purposes as defined in Section one.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1945.

S. B. 72 CHAPTER 457

AN ACT TO REGULATE AND CONTROL THE TRANSPORTATION OF CERTAIN ALCOHOLIC BEVERAGES INTO AND THROUGH THIS STATE, AND PROHIBITING THE ILLEGAL TRANSPORTATION OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter eighteen of the General Statutes of North Carolina be, and the same hereby is, amended by adding a new section as follows:

Regulating transportation of liquor in and through the State.

SEC. 18-49.1. Before any person shall transport over the roads and highways of this State any alcoholic beverages in excess of one gallon within, into or through the State of North Carolina for delivery to a Federal reservation exercising exclusive jurisdiction, or in transit through this State to another state, such person shall post with the State Board of Alcoholic Beverage Control a bond with surety approved by the said board, payable to the State of North Carolina in the penal sum of one thousand dollars ($1,000.00), running in the name of the State of North Carolina, conditioned that such person will not unlawfully transport or deliver any alcoholic beverages within, into or through the State of North Carolina, the forfeiture to be in case of conviction paid to the school fund of the county in which the seizure is made and any such county shall have the right to sue for the same. When such alcoholic beverages are desired to be transported within, into or through the State of North Carolina, such transportation shall be engaged in only under the following conditions:

Bond required.

(1) There shall accompany such alcoholic beverages a statement signed by the Chairman or Secretary of the State Board of Alcoholic Beverage Control showing that the bond hereinbefore required has been furnished and approved. There shall accompany such alcoholic beverages at all times during transportation a bill of lading or other memorandum of shipment signed by the consignor showing an exact description of the alcoholic beverages being transported, the name and address of the consignor, the name and address of the consignee, the route to be traveled by such vehicle while in the State of North Carolina, and such route must be substantially the most direct route, from the consignor's place of business to the place of business of the consignee.

Bill of lading required.

Must follow route stated in bill of lading.

(2) Vehicles transporting alcoholic beverages shall not substantially vary from the route specified in the bill of lading or other memorandum of shipment.

Names of true consignor and consignee must be shown.

(3) The name of the consignor on any such bill of lading or other memorandum of shipment shall be the name of the true consignor of the alcoholic beverages being transported and such consignor shall be only a person who has a legal right to make such shipment. The name of the consignee on any such bill of lading or memorandum of shipment shall be the name of the true consignee of the alcoholic beverages being transported and who had previously authorized in writing the shipment of the alcoholic beverages being transported and who has a legal right to receive such alcoholic beverages at the point of destination shown on the bill of lading or other memorandum of shipment.

Officers have right to require driver to exhibit papers.

(4) The driver or any person in charge of any vehicle so transporting such alcoholic beverages shall, when required by any sheriff, deputy sheriff or other police officer having the power to make arrests, exhibit to such officer such papers or documents required by this law to accompany such shipment.

SEC. 2. That Chapter eighteen of the General Statutes of North Carolina be, and the same hereby is, amended by adding a new section as follows:

State A. B. C. Board can promulgate regulations.

SEC. 18-49.2. The wilful transportation of alcoholic beverages within, into or through the State of North Carolina in quantities in excess of one gallon is prohibited except for delivery to Federal reservations to which has been ceded exclusive jurisdiction by the State of North Carolina, or in transporting it through this State to another state in accordance with the provisions of Section eighteen - forty-nine point one and such regulations as may be adopted by the State Board of Alcoholic Beverage Control pursuant to this section. The State Board of Alcoholic Beverage Control may adopt further regulations governing the transportation of alcoholic beverages within, into and through the State of North Carolina in quantities in excess of one gallon, for delivery to Federal reservations or in transit

through this State to another state, as it may deem necessary to confine such transportation to legitimate purposes and may issue transportation permits in accordance with such regulations.

SEC. 3. That Chapter eighteen of the General Statutes of North Carolina be, and the same hereby is, amended by adding a new section as follows:

Violation is misdemeanor.

SEC. 18-49.3. Any person who shall wilfully transport alcoholic beverages in excess of one gallon within, into or through the State of North Carolina in violation of the provisions of Section eighteen - forty-nine point one, or such regulations as may be adopted by the State Board of Alcoholic Beverage Control as authorized by Section eighteen - forty-nine point two, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court. Any vehicle so illegally transporting such alcoholic beverages and the alcoholic beverages being so illegally transported shall be taken in possession by the officer upon arrest of the person engaged in such illegal transportation and, upon conviction of such person or upon forfeiture of bond and failure of such person to appear for trial, such vehicle shall be disposed of as is provided in General Statutes eighteen - six and any alcoholic beverages so seized shall be disposed of as is provided in General Statutes eighteen-thirteen.

The provisions of Section eighteen - forty-nine point one, eighteen - forty-nine point two and eighteen - forty-nine point three shall not apply to those beverages defined in Section eighteen-sixty-four of the General Statutes purchased from a person licensed to sell the same in this State, and those light wines which may be transported as authorized by Article six, Chapter eighteen, of the General Statutes, and the wines defined in Article five of Chapter eighteen of the General Statutes.

Exceptions.

SEC. 4. *Provided,* that nothing in this Act shall be construed to prevent the transportaion of alcoholic beverages to be sold under the Alcoholic Beverage Control Act of one thousand nine hundred and thirty-seven, and amendments thereto, or to prevent the transportation of alcoholic beverages not in excess of one gallon, as authorized by law prior to the passage of this Act; nothing contained in this Act shall be construed to prohibit the transportation in this State of alcoholic beverages legally acquired for one's own personal use and transported as now authorized by the laws of this State; and nothing contained in this Act shall affect sleeping car companies or railroads in the lawful operations of their business.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in confliction with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 9th day of March, 1945.

S. B. 105 CHAPTER 458

AN ACT TO AMEND CHAPTER FIFTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE REGULATION OF AGENTS.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter fifty-eight of the General Statutes be amended as follows:

(1) Repeal Section fifty-eight - one hundred and seventy-two and insert in lieu thereof the following:

Prohibiting agreements restricting commissions of insurance agents.

58-172. Agreements restricting agents' commission; penalty. It is unlawful for any insurance company doing the business of insurance as defined in Subsections three to twenty-two inclusive of Section fifty-eight - seventy-two and employing an agent representing another such company, either directly or through any organization or association, to enter into, make or maintain any stipulation or agreement in any wise limiting the compensation such agent may receive from any such other company, or forbidding or prohibiting reinsurance of the risks of any such domestic company in whole or in part by any other company holding membership in or cooperating with such organization or association. The penalty for any violation of this section shall be a fine of not less than two hundred and fifty ($250.00) dollars nor more than five hundred ($500.00) dollars, and the forfeiture of license to do business in this State for a period of twelve months following conviction.

Penalty for violation.

(2) Amend Section fifty-eight - forty-one by inserting at the end thereof the following words:

Eliminating certain agents.

No license may be issued to any agent whose premium writings represented by the premiums on contracts of insurance signed, countersigned, issued or sold by him for the general public during the preceding year, shall not exceed those on insurance signed, countersigned, issued or sold by him covering his own property or life and the property and lives of members of his immediate family, his employer and his employees; but this limitation shall not be deemed to apply to agents originally licensed and duly qualified prior to the ratification of this Act.

(3) Amend Section fifty-eight - forty-two by striking out in lines twenty-nine, thirty and thirty-one the words "by any judge of the Superior Court of Wake County upon appeal" and insert-

ing in lieu thereof the words "as provided in Section fifty-eight - nine point three."

(4) Amend Section fifty-eight - forty-three as follows:

(a) Insert in line three after the word "organizer" the words "and except as a representative of a life insurance company."

(b) Insert at the end of said section the following words: No such nonresident shall be licensed to represent a life insurance company in this State unless he is licensed to represent the same company in his home state and meets the licensing requirements of this chapter.

(5) Repeal Section fifty-eight - forty-four and insert in lieu thereof the following sections:

Requiring resident agent.

58-44. Resident agents required. All business done in this State by insurance companies doing the business of insurance as defined in Subsections three to twenty-two inclusive of Section fifty-eight - seventy-two shall be transacted by their regularly authorized agents residing in this State, or through applications of such agents; and all policies so issued must be countersigned by such agents. It shall be unlawful for any salaried officer, manager or other representative of any such company to transact for his company any of the business of a licensed agent unless he himself shall be a bona fide resident licensed agent.

Prohibiting agents from splitting commissions with nonresidents or unlicensed persons.

58-44.1. Agents not to pay commissions to nonresident or unlicensed persons. No licensed agent representing any company doing the business of insurance as defined in Subsections three to twenty-two inclusive of Section fifty-eight - seventy-two, shall pay directly or indirectly, any commission, brokerage or other valuable consideration on account of any policy of insurance on any risk in this State, to any nonresident, nor to any resident not duly licensed to act as agent for the type of insurance involved; *provided, however,* that such agent may pay to a licensed nonresident broker not exceeding fifty per centum of the regular commissions allowed upon the issuance of such policies.

Licensing nonresident brokers.

58-44.2. Licensing nonresident brokers. The commissioner may license a nonresident as an insurance broker to represent companies doing the business of insurance as defined in Subsections three to twenty-two inclusive of Section fifty-eight - seventy-two, upon application made in the form prescribed by the commissioner, and upon such applicant's filing an affidavit setting forth that he will not during the period of the license place, directly or indirectly, any insurance on any risk located in this State except through licensed agents of companies licensed to do business in this State, that he is a bona fide broker, and proposes to hold himself out as such. The fee for such license shall be as fixed in the Revenue Act. For any violation of the terms on

which such license is issued the commissioner may revoke the same.

Prohibiting discrimination.

58-44.3. Discrimination forbidden. No company doing the business of insurance as defined in Subsections three to twenty-two inclusive of Section fifty-eight - seventy-two, nor its agents, shall make any discrimination in favor of any person, and all provisions of this chapter prohibiting discrimination by companies doing the business of insurance as defined in Subsections one and two of Section fifty-eight - seventy-two shall equally apply to the companies referred to herein and to their agents.

(6) Repeal Sections fifty-eight - one hundred and seventy and fifty-eight - one hundred and seventy-one.

(7) Insert a new section as follows:

Penalties for violation.

58-44.4 Revocation of license for violation; power of commissioner. When the commissioner has information of a violation of any of the provisions of Sections fifty-eight - one hundred and sixty-nine, fifty-eight - forty-four, fifty-eight - forty-four point one, fifty-eight - forty-four point two, and fifty-eight - forty-four point three, he shall immediately investigate or cause to be investigated such violation, and if any such insurance company has violated any of said provisions he may immediately revoke its license for not less than three nor more than six months for a first offense, and for each offense thereafter for not less than one year. If a licensed insurance agent violates or causes to be violated any of the provisions of said sections, he may for the first offense have his license revoked for all companies for which he has been licensed for not less than three nor more than six months, and for the second offense he shall have his license revoked for all companies for which he is licensed, and he shall not thereafter be licensed for any company for one year from the date of the revocation. For the purpose of enforcing the provisions of said sections the commissioner is authorized and empowered to examine persons, administer oaths, and require production of papers and records. A failure or refusal on the part of any such insurance company, licensed to do business in this State, or representative thereof, to appear before the commissioner when requested to do so, or to produce records and papers, or answer under oath, subjects such company, or representative, to the penalties of this section.

(8) Repeal Section fifty-eight - forty-seven and insert in lieu thereof the following:

Prohibiting representing unlicensed companies.

58-47. Representing unlicensed company prohibited; penalty. If any person shall unlawfully solicit, negotiate for, collect or transmit a premium for a contract of insuranee or act in any way in the negotiation or transaction of any unlawful insurance

with an insurance company not licensed to do an insurance business in North Carolina, he shall be guilty of a misdemeanor and upon conviction shall pay a fine of not less than two hundred dollars nor more than five hundred dollars ,or be imprisoned for not less than one nor more than two years, or both, at the discretion of the court.

(9) Repeal Section fifty-eight - forty-nine and insert in lieu thereof the following:

58-49. Agents making false statements. If any solicitor, agent, examining physician, or other person shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for insurance or publication with reference to any or shall make any such statement for the purpose of obtaining any fee, commission, money or benefit from any company engaged in the business of insurance in this State, he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or by both fine and imprisonment, at the discretion of the court.

Penalties for false statements by agents.

(10) Repeal Section fifty-eight - fifty and insert in lieu thereof the following:

58-50. Agents signing certain blank policies. No agent shall sign any blank contract or policy of insurance, and any agent guilty of violating this section shall, upon conviction, be fined for each offense not less than one hundred ($100.00) dollars nor more than two hundred ($200.00) dollars.

Prohibiting agents to sign blank policies.

(11) Amend Section fifty-eight - fifty-one by striking out in lines six, seven, and eight after the words "of a" the words "loss by fire on property located in this State, incurred on a contract" and insert in lieu thereof the words "claim arising under a contract of insurance."

(12) Repeal Section fifty-eight - fifty-two and insert in lieu thereof the following:

58-52. Agent acting without a license or violating insurance law. If any person shall assume to act either as principal, agent, broker or adjuster without license as is required by law, or pretending to be a principal, agent, broker or adjuster, shall solicit, examine, or inspect any risk, or shall examine into, adjust, or aid in adjusting any loss, or shall receive, collect, or transmit any premium of insurance, or shall do any other act in the soliciting, making or executing any contract of insurance of any kind otherwise than the law permits, or as principal or agent shall violate any provision of law contained in this chapter, the punishment for which is not elsewhere provided for,

Penalties for acting without a license.

he shall be deemed guilty of a misdemeanor, and on conviction shall pay a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars, or be imprisoned for not less than one nor more than two years, or both, at the discretion of the court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Constitutionality.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 148 **CHAPTER 459**

AN ACT PROVIDING FOR THE ESTABLISHMENT OF AN INSTITUTION FOR THE CARE OF FEEBLE MINDED NEGRO CHILDREN IN NORTH CAROLINA.

WHEREAS, pursuant to a joint resolution of the General Assembly of one thousand nine hundred and forty-three, the Governor appointed a commission composed of Honorable Thomas O'Berry, Chairman, Honorable K. A. Pittman, Honorable W. Frank Taylor, Honorable Robert P. Burns, and Honorable Charles F. Honeycutt, to inquire into the conditions, care, treatment, and training of the negro feeble minded in the Goldsboro State Hospital for the Insane, and other similar institutions of the State, with the view of recommending a program for the care and training of the feeble minded negro children, to the end that they might be placed under the supervision of people skilled in giving the right kind of care and treatment to such children, and investigate the advisability and possibility of securing additional facilities for institutional care and treatment of such children; and

WHEREAS, the said committee, after having fully complied with the intent of said resolution, has made its report to the Governor, revealing that there are some one thousand feeble minded negro children in the State in need of hospital care or training, and recommending that a suitable hospital for the treatment of such children be built near the site and in conjunction with the State Hospital for Negroes at Goldsboro, sufficient to take care of at least six hundred patients, reference to which re port is hereby made for more detailed recommendations; and

WHEREAS, it is the desire of the General Assembly of North Carolina that the recommendations of said committee be substantially complied with as early as feasible: Now, therefore, *The General Assembly of North Carolina do enact:*

Creating The Negro Training School for Feeble Minded Children.

SECTION 1. That an institution, to be known and designated as, "The Negro Training School for Feeble Minded Children," is hereby created and such institution is authorized and empowered to accept and use donations and appropriations and do all other things necessary and requisite to be done in furtherance of the purpose of its organization and existence as herein set forth.

To be controlled by the North Carolina Hospitals Board of Control

SEC. 2. The said institution shall be under the control of the North Carolina Hospitals Board of Control, and whenever the words, "Board," "Directors" or "Board of Directors" are used in this Act with reference to the governing board of said institution, the same shall mean the North Carolina Hospitals Board of Control, and said board shall exercise the same powers and perform the same duties with respect to the Negro Training School for Feeble Minded Children, as it exercises and performs with respect to the other institutions under its control, except as may in this Act be otherwise provided.

Plans for setting up aforesaid Training School.

SEC. 3. The board of directors, with the approval of the Governor and the Council of State, is authorized to secure by gift or purchase suitable real estate within the State at such place as the board may deem best for the purpose, and to erect or improve buildings thereon, for carrying out the purposes of the institution; but no real estate shall be purchased or any commitments made for the erection or permanent improvements of any buildings involving the use of State funds unless and until an appropriation for permanent improvements of the institution is expressly authorized by the General Assembly; but this prohibition shall not prevent the directors from purchasing or improving real estate from funds that may be donated for the purpose. However, the board is authorized and directed to have prepared the necessary plans and specifications for such buildings as may be deemed necessary to establish said school, incurring the necessary expense of employing engineers and architects, which amount is hereby authorized to be paid out of the Contingency and Emergency Fund of the State.

Temporary quarters.

SEC. 4. That in order to provide for the operation of the said institution prior to the time that permanent quarters can be established, the board of directors, with the approval of the Governor and Council of State, is authorized and empowered to enter into an agreement with any other State institution or agency for the temporary use of any State owned property which such other State institution or agency may be able and willing to divert for the time being from its original purpose; and any

other State institution or agency, which may be in possession of real estate suitable for the purpose of the Negro Training School for Feeble Minded Children upon such terms as may be mutually agreed upon.

Aforesaid Board shall have complete control.

SEC. 5. The board of directors shall have the general superintendence, management, and control of the institution; of the grounds and buildings, officers, and employees thereof; of the inmates therein and all matters relating to the government, discipline, contracts, and fiascal concerns thereof; and may make such rules and regulations as may seem to them necessary for carrying out the purposes of the institution. And the board shall have the right to keep, restrain, and control the inmates of the institution until such time as the board may deem proper for their discharge under such proper and humane rules and regulations as the board may adopt. The board shall endeavor as far as possible to classify the inmates and keep the different classes in separate wards or divisions, so as to produce the best results in their rehabilitation.

Selection of superintendent.

SEC. 6. The board of directors shall appoint a superintendent of the institution, who shall be a person of professional training and experience in the care and treatment of feeble minded persons, and may fix the compensation of the superintendent, subject to the approval of the Budget Bureau, and may discharge the superintendent at any time for cause.

Aims of said Training School.

SEC. 7. The purpose and aim of the Negro Training School for Feeble Minded Children is to segregate, care for, train, and educate, as their mentality will permit, the mental defectives among th negro children of the State; to disseminate knowledge concerning the extent, nature, and menace of mental deficiency and initiate methods for its control, reduction, and ultimate eradication and to that end, subject to such rules and regulations as the board of directors may adopt, there shall be received into said school feeble minded and mentally defective children of the negro race under the age of twenty-one years when, in the judgment of the board of directors, it is deemed advisable. Application for the admission of a child must be made by the father if the mother and father are living together, and if not, by the one having custody, or by a duly appointed guardian or by the superintendent of any county home or by person having management of any orphanage, association, society, children's home, or other institution for the care of children to which the custody of such child has been committed, in which event the consent of the parents shall not be required. The applications for admission must be approved by the superintendent of public welfare and the judge of juvenile court of the county wherein the applicant resides.

Board to promulgate regulations.

SEC. 8. The board of directors is hereby authorized and empowered to promulgate rules, regulations, and conditions of admission of pupils to the school and in cases in which the parents or guardian of a child are financially able, shall require such parent or guardian to transport the child to the school and make such contribution toward maintenance as may to the board of directors seem proper and just.

Relating to discharges.

SEC. 9. Any child entered into the school may be discharged therefrom or returned to his or her parents or guardian when, in the judgment of the directors, it will not be beneficial to such pupil or to the best interest of the school to be retained longer therein.

Certain regulations.

SEC. 10. For the protection of the pupils residing in the school, it shall be unlawful:

(a) For any person to advise, or solicit, or to offer to advise or solicit, any inmate of said school to escape therefrom;

(b) For any person to transport, or to offer to transport, in automobile or other conveyance any inmate of said school to or from any place: *Provided,* this shall not apply to the superintendent and teachers of said school, or to employees or any other person acting under the superintendent and teachers thereof;

(c) For any person to engage in, or to offer to engage in, prostitution with any inmate of said school;

(d) For any person to receive, or to offer to receive, any inmate of said school into any place, structure, building or conveyance for the purpose of prostitution, or to solicit any inmate of said school to engage in prostitution;

(e) For any person to conceal an escaped inmate of said school, or to furnish clothing to an escaped inmate thereof to enable him or her to conceal his or her identity.

The term "inmate" as used in this section shall be construed to include any and all boys and girls, committed to, or received into, said Negro Training School for Feeble Minded Children under the provisions of the law made and provided for the receiving and committing of persons to said school; and the term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse.

Any person who shall knowingly and wilfully violate Subsections (a) and (b) of this section shall be guilty of a misdemeanor, and shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court; that any person who shall knowingly and wilfully violate Subsections (c), (d) and (e) of this section shall be guilty of a felony, and shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 12. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 154 **CHAPTER 460**

AN ACT TO PROVIDE FOR THE CREATION OF VETERANS' RECREATION AUTHORITIES.

The General Assembly of North Carolina do enact:

Short title of Act.

SECTION 1. Short title. This Act may be referred to as the "Veterans' Recreation Authorities Law."

Declaration of necessity for recreation facilities for veterans.

SEC. 2. Finding and declaration of necessity. It is hereby declared that conditions resulting from the concentration in various cities and towns of the State having a population of more than one hundred thousand inhabitants of persons serving in the armed forces in connection with the present war, or who after having served in the armed services during the present war, or previously have been honorably discharged, require the construction, maintenance and operation of adequate recreation facilities for the use of such persons; that it is in the public interest that adequate recreation facilities be provided in such concentrated centers; and the necessity, in the public interest, for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

Definitions.

SEC. 3. Definitions. The following terms, wherever used or referred to in this Act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

Authority.

(1) "Authority" or "Recreation Authority" shall mean a public body and a body corporate and politic organized in accordance with the provisions of this Act for the purposes, with the powers and subject to the restrictions hereinafter set forth.

City.

(2) "City" shall mean the city or town having a population of more than one hundred thousand inhabitants (according to the last Federal census) which is, or is about to be, included in the territorial boundaries of an authority when created hereunder.

Council.

(3) "Council" shall mean the legislative body, council, board of commissioners, board of trustees, or other body charged with governing the city.

(4) "City clerk" and "mayor" shall mean the clerk and mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the clerk and mayor, respectively. City Clerk and Mayor.

(5) "Commissioner" shall mean one of the members of an authority appointed in accordance with the provisions of this Act. Commissioner.

(6) "State" shall mean the State of North Carolina. State.

(7) "Government" shall include the State and Federal Governments and any subdivision, agency or instrumentality, corporate or otherwise, of any of them. Government.

(8) "Federal Government" shall include the United States of America the Federal Emergency Administration of Public Works or any agency, instrumentality, corporate or otherwise, of the United States of America. Federal Government.

(9) "Veterans' Recreation Project" shall include all real and personal property, buildings and improvements, offices and facilities acquired or constructed, or to be acquired or constructed, pursuant to a single plan or undertaking to provide recreation facilities for veterans in concentrated centers of population. The term "veterans' recreation project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the construction, reconstruction, alteration and repair of the improvements, and all other work in connection therewith. Veterans recreation project.

(10) "Real property" shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise. Real property.

(11) "Veteran" shall include every person who has enlisted or who has been inducted, warranted or commissioned, and who served honorably in active duty in the military or naval service of the United States at any time, and who is honorably separated or discharged from such service, or who, at the time of making use of the facilities, is still in active service, or has been retired, or who has been furloughed to a reserve. This definition shall be liberally construed, with a view completely to effectuate the purpose and intent of this Act. Veteran.

SEC. 4. Creation of authority. If the council of any city in the State having a population of more than one hundred thousand, according to the last Federal census, shall, upon such investigation as it deems necessary, determine: Cities eligible.

(1) That there is a lack of adequate veterans' recreation facilities and accommodations from the operations of public or private enterprises in the city and surrounding area; and/or

(2) That the public interest requires the construction, maintenance or operation of a veterans' recreation project for the veterans thereof, the council shall adopt a resolution so finding (which need not go into any detail other than the mere finding), and shall cause notice of such determination to be given to the mayor, who shall thereupon appoint, as hereinafter provided, five commissioners to act as an authority. Said commission shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

Procedure.

The commissioners shall present to the Secretary of State an application signed by them, which shall set forth (without any detail other than the mere recital): (1) that the council has made the aforesaid determination after such investigation, and that the mayor has appointed them as commissioners; (2) the name and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the recreation authority to become a public body and a body corporate and politic under this Act; (3) the term of office of each of the commissioners; (4) the name which is proposed for the corporation; and (5) the location and the principal office of the proposed corporation. The application shall be subscribed and sworn to by each of the said commissioners before an officer authorized by the laws of the State to take and certify oaths, who shall certify upon the application that he personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The Secretary of State shall examine the application, and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this State or so nearly similar as to lead to confusion and uncertainty, he shall receive and file it and shall record it in an appropriate book of record in his office.

When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body and a body corporate and politic under the name proposed in the application; the Secretary of State shall make and issue to the said commissioners a certificate of incorporation pursuant to this Act, under the seal of the State, and shall record the same with the application.

The boundaries of such authority shall include said city and the area within ten miles from the territorial boundaries of said city, but in no event shall it include the whole or a part of any other city nor any area included within the boundaries of another authority. In case an area lies within ten miles of the boundaries of more than one city, such area shall be deemed to be within the boundaries of the authority embracing such area which was first established, all priorities to be determined on the basis of the time of the issuance of the aforesaid crtificates by the Secretary of State. After the creation of an authority, the subsequent existence within its territorial boundaries of more than one city shall in no way affect the territorial boundaries of such authority.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have been established in accordance with the provisions of this Act upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate, duly certified by the Secretary of State, shall be admissible evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof.

Commissioners.

SEC. 5. Appointment, qualifications and tenure of commissioners. An authority shall consist of five commissioners appointed by the mayor, and he shall designate the first chairman.

Of the commissioners who are first appointed, two shall serve for a term of one year, two for a term of three years, and one for a term of five years, and thereafter, the terms of office for all commissioners shall be five years. A commissioner shall hold office until his successor has been appointed and qualified. Vacancies shall be filled for the unexpired term. Vacancies occurring by expiration of office or otherwise shall be filled in the following manner: The mayor and the remaining commissioners shall have a joint session and shall unanimously select the person to fill the vacancy; but if they are unable to do so, then such fact shall be certified to the resident judge of the superior court of the county in which the authority is located, and he shall fill the vacancy. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. An authority shall select from among its members a vice chairman, and it may employ a secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. An authority may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Duties and powers.

SEC. 6. Duty of the authority and commissioners of the authority. The authority and its commissioners shall be under a statutory duty to comply or to cause compliance strictly with all provisions of this Act and the laws of the State, and in addition thereto, with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed.

The commissioners shall provide separate recreational centers for persons of the colored and white races, and they may, in the exercise of their discretion, limit the use of recreational centers under their control in whole or in part to veterans of one sex. They shall have the authority to make rules and regulations regarding the use of the recreational centers and other matters and things coming within their jurisdiction.

They shall have the authority to appoint one or more advisory committees consisting of representatives of various veterans' organizations and others and may delegate to such committee or committees authority to execute the policies and programs of activity adopted by the commissioners.

SEC. 7. Interested commissioners or employees. No commissioner or employee of any authority shall acquire any interest, direct or indirect, in any veterans' recreation project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any such project. If any commissioner or employee of an authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any veteran's recreation project, he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office.

SEC. 8. Removal of commissioners. The mayor may remove a commissioner for inefficiency or neglect of duty or misconduct in office, but only after the commissioner shall have been given a copy of the charges against him (which may be made by the mayor) at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel.

If, after due and diligent search, a commissioner to whom charges are required to be delivered hereunder cannot be found within the county where the authority is located, such charges shall be deemed served upon such commissioner if mailed to him at his last known address as same appears upon the records of the authority.

In the event of the removal of any commissioner, the mayor shall file in the office of the city clerk a record of the proceedings, together with the charges made aaginst the commissioner removed, and the findings thereon.

SEC. 9. Powers and authority. An authority shall constitute a public body and a body corporate and politic, exercising public powers, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

To sue and be sued in any court; to make, use and alter a common seal; to purchase, acquire by devise or bequest, hold and convey real and personal property; to elect and appoint, in such manner as it determines to be proper, all necessary officers and agents, fix their compensation and define their duties and obligations; to make bylaws and regulations consistent with the laws of the State, for its own government and for the due and orderly conduct of its affairs and management of its property; without limiting the generality of the foregoing, to do any and every thing that may be useful and necessary in order to provide recreation for veterans.

Zoning and building laws.

SEC. 10. Zoning and building laws. All recreation projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the recreation project is situated.

Tax exemptions for property.

SEC. 11. Tax exemptions. The authority shall be exempt from the payment of any taxes or fees to the State or any subdivisions thereof, or to any officer or employee of the State or any subdivision thereof. The property of an authority shall be exempt from all local, municipal and county taxes, and for the purpose of such tax exemption, it is hereby declared as a matter of legislative determination that an authority is and shall be deemed to be a municipal corporation.

Annual reports.

SEC. 12. Reports. The authority shall, at least once a year, file with the mayor of the city an audit report by a certified public accountant of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this Act.

SEC. 13. Exemption from the Local Government Act, and from the County Fiscal Control Act. The authority shall be exempt from the operation and provisions of Chapter sixty of the Public Laws of North Carolina of one thousand nine hundred and thirty-one, known as the "Local Government Act," and the amendments thereto, and from Chapter one hundred and forty-six of the Public Laws of North Carolina of one thousand nine hundred and twenty-seven, known as the "County Fiscal Control Act" and the amendments thereto.

Transferring real estate.

SEC. 14. Conveyance, lease or transfers of property by a city or county to an authority. Any city or county, in order to provide for the construction, reconstruction, improvement, repair or management of any veterans' recreation project, or in order to accomplish any of the purposes of this Act, may, with or without consideration or for a nominal consideration, lease, sell, convey or otherwise transfer to an authority within the territorial boundaries of which such city or county it is wholly or partly located, any real, personal or mixed property, and in connection with any such transaction, the authority involved may accept such lease, transfer, assignment and conveyance, and bind itself to the performance and observation of any agreements and conditions attached thereto. Any city or county may purchase real property and convey or cause same to be conveyed to an authority.

Contracts with Federal Government.

SEC. 15. Contracts, with Federal Government. In addition to the powers conferred upon the authority by other provisions of this Act, the authority is empowered to borrow money and/or accept grants from the Federal Government for or in aid of the construction of any veterans' recreation project with such authority is authorized by this Act to undertake, to take over any land acquired by the Federal Government for the construction of such a project, to take over, lease or manage any recreation project constructed or owned by the Federal Government, and to these ends, to enter into such contracts, mortgages, trust indentures, leases and other agreements which the Federal Government shall have the right to require. It is the purpose and intent of this Act to authorize every authority to do any and all things necessary to secure the financial aid and the cooperation of the Federal Government in the construction, maintenance and operation of any veterans' recreation project which the authority is empowered by this Act to undertake.

Constitutionality.

SEC. 16. Severability. If any one or more sections, clauses, sentences or parts of this Act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause

or provision of this Act in any one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

SEC. 17. Act controlling. In so far as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling, *provided* that nothing in this Act shall prevent any city or municipality from establishing, equipping and operating a veterans' recreation project, or extending recreation facilities under the provisions of its charter or any general law other than this Act.

SEC. 18. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 19. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 166 CHAPTER 461

AN ACT DEFINING THE TERM "STREET IMPROVEMENT," AMENDING SECTION ONE HUNDRED AND SIXTY - SEVENTY-EIGHT OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. That the third paragraph of Section one hundred and sixty - seventy-eight of the General Statutes beginning with the words "Street Improvement" is hereby amend to read as follows, to-wit: Defining street improvement.

"Street improvement" includes the grading, regrading, paving, repaving, macadamizing, remacadamizing, and bituminous surface treatment constructed on a soil stabilized base course with a minimum thickness of four inches, (such soil stabilizing agents to be top soil, sand clay, sand clay gravel, crushed stone, stone dust, portland cement, tar, asphalt or any other stabilizing materials of similar character, or any combination thereof,) of public streets and alleys, and the construction, reconstruction, and altering of curbs, gutters and drains in public streets and alleys.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 173 CHAPTER 462

AN ACT TO AMEND SECTIONS ONE HUNDRED AND SIX - THREE HUNDRED AND EIGHTY-NINE AND ONE HUNDRED AND SIX - THREE HUNDRED AND NINETY OF THE GENERAL STATUTES RELATING TO BANG'S DISEASE AND TO PROVIDE FOR THE VACCINATION OF ANIMALS RATHER THAN BRANDING THEM.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and six - three hundred and eighty-nine of the General Statutes of North Carolina is hereby rewritten to read as follows:

Defining bang's disease.

106-389. "Bang's disease" defined; co-operation with the Federal Department of Agriculture. Bang's disease shall mean the disease wherein an animal is infected with the Bang's bacillus, irrespective of the occurence or absence of an abortion. An animal shall be declared infected with Bang's disease if it reacts to a seriological test, or if the Bang's bacillus has been found in the body or its secretions or discharges. The State Veterinarian is hereby authorized and empowered to set up a program for the vaccination of calves between the ages of four and eight months, and older cattle, with Strain nineteen Brucella vaccine in accordance with the recommendations of the United States Bureau of Animal Industry. Such vaccination shall be done under rules and regulations promulgated by the Department of Agriculture. The Committee of Agriculture may permit the sale of valuable animals that have reacted to an official Bang's test or are suspicious to same, provided such animals go direct to infected herds that have been vaccinated with Strain nineteen Brucella vaccine, as provided for in this section, and are held under quarantine in accordance with the law and regulations covering. Such vaccinated animals shall be permanently identified by tattooing or other methods approved by the Committee of Agriculture and no indemnity shall be paid on any such vaccinated animal. It shall be the duty of the State Veterinarian to test all animals vaccinated with Strain nineteen Brucella vaccine twelve months after the date of vaccination and regularly thereafter. All such vaccinated animals that show a positive reaction to an official Bang's test eighteen months or more after vaccination shall be considered as affected with Bang's disease and shall be branded with the letter "B" in accordance with the law covering. It shall be unlawful to sell, offer for sale, distribute or use Strain nineteen Brucella vaccine or any other product containing living Bang's organisms, except as provided for in this section.

Relating to cooperation with U. S. Department of Agriculture.

The control and eradication of Bang's disease in the herds of the State shall be conducted as far as funds of the Department of Agriculture will permit, and in accordance with the rules and regulations made by the said department. Said Department of Agriculture is hereby authorized to co-operate with the United States Department of Agriculture in the control and eradication of Bang's disease.

SEC. 2. Amend said Section one hundred and six - three hundred and eighty-nine further by adding the following "All dairy and breeding cattle over six months of age offered or sold at public sale, except for immediate slaughter, shall be negative to a Bang's test made within thirty days prior to sale and approved by the State Veterinarian."

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 185 **CHAPTER 463**

AN ACT AMENDING SECTION ONE HUNDRED AND FORTY-THREE - ONE HUNDRED AND THIRTY-NINE OF THE GENERAL STATUTES RELATING TO THE POWER OF NORTH CAROLINA BUILDING CODE COUNCIL TO ADOPT RULES AND REGULATIONS CONCERNING THE ALTERATION, MAINTENANCE, CONSTRUCTION AND REPAIR OF BUILDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and forty-three - one hundred and thirty-nine of the General Statutes of North Carolina be and the same is hereby amended by adding the following words and figures at the end of said Section one hundred and forty-three - one hundred and thirty-nine, to-wit:

And *provided further, however,* that the governing body of any county or municipal corporation, in its legislative and judicial discretion, shall have authority to permit the construction of tobacco sales warehouses containing up to one hundred twenty thousand (120,000) square feet in area, and the use of eight inch masonry walls for one story business buildings, provided that such eight inch walls are reinforced with suitable and properly spaced pilasters, buttresses or cross walls; and said governing bodies shall also have authority to permit the construction of tobacco sales warehouses of noncombustible materials without requiring brick walls, provided there shall be a Relating to construction of certain types of buildings.

permanent unobstructed, uncovered and unenclosed space for a distance of one hundred (100) feet on all sides of such building; and the said governing bodies shall also have authority to require the installation and maintenance of approved sprinkler systems in tobacco sales warehouses and other structures when such body deems it advisable in the interest of public safety and welfare.

Applies only to Durham City and County.

SEC. 2. This Act shall apply only to the County of Durham and to the City of Durham.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 188 CHAPTER 464

AN ACT AMENDING THE MUNICIPAL CAPITAL RESERVE ACT OF ONE THOUSAND NINE HUNDRED FORTY-THREE AND THE COUNTY CAPITAL RESERVE ACT OF ONE THOUSAND NINE HUNDRED FORTY-THREE FOR THE PURPOSE OF CLARIFYING CERTAIN PROVISIONS OF SAID ACTS AND TO EXTEND THE TIME WITHIN WHICH CAPITAL RESERVE FUNDS MAY BE ESTABLISHED AND INCREASED.

The General Assembly of North Carolina do enact:

Amending Municipal Capital Reserve Act.

SECTION 1. That the Municipal Capital Reserve Act one thousand nine hundred forty-three, being Article thirty-five of Chapter one hundred sixty of the General Statutes, shall be and the same is hereby amended as follows:

(a) By substituting a colon for the comma after the word "sources" in line four of Section one hundred and sixty - four hundred and twenty-eight and by striking out the following in lines four, five and six of said section: "except that no money shall be deposited in such capital reserve fund after July tenth, one thousand nine hundred and forty-five."

(b) By adding the following paragraph to Section one hundred and sixty - four hundred and twenty-nine:

Revenues derived from public utilities.

If revenues derived from a utility or utilities (water system, water and sewer system, electric system, gas system) owned by the municipality are included in said ordinance, or an amendment thereto, as a source or sources, said ordinance or amendment may stipulate that the moneys of such source or sources shall not be withdrawn and expended for any purpose other than

repairing, enlarging, extending or reconstructing such utility or utilities.

(c) By striking out all of the second paragraph of Section one hundred and sixty - four hundred and thirty and by inserting the following between Sections one hundred and sixty - four hundred and thirty and one hundred and sixty - four hundred and thirty-one:

SEC. 160-430.01. Increases to capital reserve fund. No increase to a capital reserve fund shall be made except by resolution adopted by the governing body and the provisions thereof approved by the Local Government Commission which resolution shall state the source or sources of moneys from which such increase is intended to be made and the amount of the money from each such source, but each increase shall be from moneys derived from the identical source or sources as those stated in the ordinance establishing the capital reserve fund or in an amendment thereto. The clerk shall transmit a certified copy of such resolution to the Local Government Commission. After action is taken upon the provisions of said resolution by the Local Government Commission the secretary of said commission shall notify the clerk in writing of the approval by said commission or disapproval, if the commission declines to approve the resolution, and the reasons therefor. Upon receipt of the notice of approval the clerk shall thereupon notify the financial officer of the municipality who shall immediately deposit in the duly designated depositary the moneys stated in said resolution and simultaneously report such deposit to the Local Government Commission. Deposits required in Section one hundred and sixty - four hundred and forty-one of this Act shall not be construed as increases of a capital reserve fund within the meaning of this section.

Relating to increases in capital reserve fund.

(d) By striking out in lines thirty-four and thirty-five of Section one hundred and sixty - four hundred and thirty-three the words, "bonds or notes of the United States of America, State of North Carolina, or" and substituting in lieu thereof the following: bonds, notes or certificates of indebtedness of the United States of America, in bonds or notes of the State of North Carolina, or in.

(e) By adding the following to the first paragraph of Section one hundred and sixty - four hundred and thirty-four: In any case where all or any part of a capital reserve fund has been withdrawn and invested in bonds, notes or certificates of indebtedness of the United States of America which are about to mature and it is desired to continue investment of like kind, such continuance may be effected by exchange of said maturing bonds, notes or certificates of indebtedness through the Treasury of the United States, or an authorized agent thereof, for bonds,

notes or certificates of indebtedness of the United States of America of like principal amount and of later maturity or maturities; *Provided*, however, each such continuance and exchange shall first be authorized by resolution adopted by the governing body and the provisions thereof approved by the Local Government Commission.

(f) By substituting a comma for the period in line eleven of Section one hundred and sixty - four hundred and thirty-nine and inserting thereafter the following: except that a check evidencing withdrawal for the purpose of investment may be made payable to the obligor or to the vendor of such bonds, notes or certificates of indebtedness in which investment has been duly authorized.

(g) By adding the following paragraph to Section one hundren and sixty - four hundred and forty-one:

All deposits required in this section shall be made in the duly designated depositary of the capital reserve fund and it shall be the duty of the financial officer to simultaneously report each such deposit to the Local Government Commission.

(h) By inserting a new section after Section one hundred and sixty - four hundred and forty-three as follows:

Termination of power to establish and increase capital reserve fund.

SEC. 160-444. Termination of power to establish and increase capital reserve fund. No ordinance establishing a capital reserve fund, or amendment thereto for including additional sources, shall be passed nor shall a resolution providing for increase of a capital reserve fund be adopted after July tenth, one thousand nine hundred forty-seven.

SEC. 2. That the County Capital Reserve Act of one thousand nine hundred forty-three, being Article ten A of Chapter one hundred and fifty-three of the General Statutes, shall be and the same is hereby amended as follows:

(a) By substituting the colon for the comma after the word "sources" in line three of Section one hundred fifty-three - one hundred and forty-two point four and striking out the following in lines three, four and five: "except that no money shall be deposited in such capital reserve fund after July tenth, one thousand nine hundred forty-five."

(b) By striking out all of the second paragraph of Section one hundred and fifty-three - one hundred and forty-two point six and by inserting the following between Sections one hundred and fifty-three - one hundred and forty-two point six and one hundred and fifty-three - one hundred and forty-two point seven:

SEC. 153-142.6½. Increases to capital reserve fund. No increase to a capital reserve fund shall be made except by resolution adopted by the governing body and the provisions thereof approved by the Local Government Commission, which resolution shall state the source or sources of moneys from which such increase is intended to be made and the amount of the money from each such source, but each increase shall be from moneys derived from the identical source or sources as those stated in the order establishing the capital reserve fund or in an amendment thereto. The clerk shall transmit a certified copy of such resolution to the Local Government Commission. After action is taken upon the provisions of said resolution by the Local Government Commission the secretary of such commission shall notify the clerk in writing of the approval by said commission or disapproval, if the commission declines to approve the resolution, and the reasons therefor. Upon receipt of the notice of approval the clerk shall thereupon notify the financial officer of the county who shall immediately deposit in the duly designated depositary the moneys stated in said resolution and simultaneously report such deposit to the Local Government Commission. Deposits required in Section one hundred and fifty-three - one hundred and forty-two point eighteen of this Act shall not be construed as increases of a capital reserve fund within the meaning of this section.

(c) By changing clause (d) of Section one hundred and fifty-three - one hundred and forty-two point nine to read as follows: (d) Investment in bonds, notes or certificates of indebtedness of the United States of America, in bonds or notes of the State of North Carolina, or in bonds of the county.

(d) By striking out all of the second sentence in Section one hundred and fifty-three - one hundred and forty-two point ten and substituting in lieu thereof the following: Upon written petition of the county board of education to the governing body requesting that any moneys deposited in the capital reserve fund, which prior to such deposit had been in the custody or control of the county board of education, be withdrawn and turned over to the county board of education for expenditure for the purposes stated in subclauses (1) and/or (9) of clause (a) of Section one hundred and fifty-three - one hundred and forty-two point nine of this Act, it shall be the duty of the governing body and other officers of the county to do all things necessary within the provisions of law to perfect such withdrawal and such moneys so withdrawn shall be deemed necessary for expenditure by the county as an administrative agency of the State for maintenance of the six months school term required by the Constitution of North Carolina.

(e) By adding the following to the first paragraph of Section one hundred and fifty-three - one hundred and forty-two point eleven: In any case where all or any part of the capital reserve fund has been withdrawn and invested in bonds, notes or certificates of indebtedness of the United States of America which are about to mature and it is desired to continue investment of like kind, such continuance may be effected by exchange of said maturing bonds, notes or certificates of indebtedness through the Treasury of the United States, or an authorized agent thereof, for bonds, notes or certificates of indebtedness of the United States of America of like principal amount and of later maturity or maturities: *Provided* however, each such continuance and exchange shall first be authorized by resolution adopted by the governing body and the provisions thereof approved by the Local Government Commission.

(f) By substituting a comma for the period in line eleven of Section one hundred and fifty-three - one hundred and forty-two point sixteen and inserting thereafter the following: except that a check evidencing withdrawal for the purpose of investment may be made payable to the obligor or to the vendor of such bonds, notes or certificates of indebtedness in which investment has been duly authorized.

(g) By adding the following paragraph to Section one hundred and fifty-three - one hundred and forty-two point eighteen:

All deposits required in this section shall be made in the duly designated depositary of the capital reserve fund and it shall be the duty of the financial officer to simultaneously report each such deposit to the Local Government Commission.

(h) By inserting a new section after Section one hundred and fifty-three - one hundred and forty-two point twenty as follows:

SEC. 153-142.21. Termination of power to establish or increase a capital reserve fund. No order establishing a capital reserve fund, or amendment thereto for including additional sources, shall be passed nor shall a resolution providing for increase of a capital reserve fund be adopted after July tenth, one thousand nine hundred forty-seven.

SEC. 3. Any increase heretofore made to a capital reserve fund with money from the same source or sources stated in the ordinance or order establishing said fund in accordance with the provisions of either the Municipal Capital Reserve Act of one thousand nine hundred forty-three or the County Capital Reserve Act of one thousand nine hundred forty-three, or stated in an amendment to said ordinance or order, is hereby validated.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 199 **CHAPTER 465**

AN ACT TO EXCEPT CLEVELAND COUNTY FROM THE PROVISIONS OF SECTION SIXTY-SEVEN - THIRTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATIVE TO THE PAYMENT BY THE COUNTY FOR DAMAGES DONE BY DOGS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section sixty-seven - thirteen of the General Statutes of North Carolina, as amended, be and the same is hereby further amended by adding the following clause at the end thereof: that all of that portion of said section after the word "collected" in line three thereof shall not apply to Cleveland County. Exempting Cleveland County from certain act relating to payment by county for damages done by dogs.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 223 **CHAPTER 466**

AN ACT TO REWRITE THAT PORTION OF SECTION SEVEN - SEVENTY OF THE GENERAL STATUTES OF NORTH CAROLINA FIXING THE TERMS OF THE SUPERIOR COURT IN FORSYTH COUNTY OF THE ELEVENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That that portion of Section seven - seventy of the General Statutes of North Carolina, fixing the terms of Superior Court in Forsyth County, is hereby rewritten to read as follows: Fixing terms of Superior Court for Forsyth County.

Forsyth—Eighth Monday before the first Monday in March, to continue for two weeks, for the trial of criminal cases only, to be presided over by a regular judge to be assigned; seventh Monday before the first Monday in March, to continue for three

weeks, for the trial of civil cases only, the first week of said term to be presided over by a special judge to be assigned and the second two weeks to be presided over by a regular judge to be assigned; fourth Monday before the first Monday in March, to continue for two weeks, for the trial of criminal cases only, to be presided over by a regular judge to be assigned; third Monday before the first Monday in March for three weeks, for the trial of civil cases only, the first week of said term to be presided over by a special judge to be assigned and the second two weeks to be presided over by a regular judge to be assigned; first Monday in March, to continue for two weeks, for trial of criminal cases only, to be presided over by a regular judge to be assigned; first Monday after the first Monday in March for three weeks, for the trial of civil cases only, the first week of said term to be presided over by a special judge to be assigned, and the last two weeks to be presided over by a regular judge to be assigned; fourth Monday after the first Monday in March, to continue for two weeks, for the trial of criminal cases only, to be presided over by a regular judge to be assigned; sixth Monday after the first Monday in March, to continue for three weeks, the first week of said term to be presided over by a special judge to be assigned, the second week to be presided over by a regular judge to be assigned and the third week to be presided over by a special judge to be assigned; tenth Monday after the first Monday in March, to continue for two weeks, for the trial of criminal cases only, to be presided over by a regular judge to be assigned; twelfth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only, to be presided over by a special judge to be assigned; fourteenth Monday after the first Monday in March, to continue for two weeks, for the trial of criminal cases only, to be presided over by a regular judge to be assigned; fifteenth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only, to be presided over by a special judge to be assigned; ninth Monday before the first Monday in September, to continue for two weeks, for the trial of criminal cases only, to be presided over by a regular judge to be assigned; first Monday in September, to continue for two weeks, for the trial of criminal cases only, to be presided over by a regular judge to be assigned; second Monday after the first Monday in September, to continue for three weeks, for the trial of civil cases only, the first two weeks of said term to be presided over by a regular judge to be assigned and the last week to be presided over by a special judge to be assigned; fifth Monday after the first Monday in September, to continue for two weeks, for the trial of criminal cases only, to be presided over by a regular judge to be assigned; seventh Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only, the first week of said term to be presided over by a special judge to be assigned and the second week to be presided over by a regular

judge to be assigned; tenth Monday after the first Monday in September, to continue for one week, for the trial of criminal cases only, to be presided over by a regular judge to be assigned; eleventh Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only, to be presided over by a regular judge to be assigned; thirteenth Monday after the first Monday in September, to continue for two weeks, for the trial of criminal cases only, to be presided over by a regular judge to be assigned.

The Governor shall assign a special, emergency or any regular judge to hold the courts hereinbefore provided for when the regular judge assigned to the district is unable to hold same for any cause set out in Article IV, Section eleven of the Constitution.

In the terms of court herein designated as criminal terms, motions in civil actions may be heard upon due notice; trials in civil actions may be heard by consent of the parties, and uncontested divorce actions may be tried. At such criminal terms motions for confirmation or rejection of referee's reports may be heard upon ten days notice and judgment entered on said reports.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 239 CHAPTER 467

AN ACT TO AMEND SECTION FIFTY-THREE - ONE HUNDRED AND TWENTY-TWO, SUBSECTION (f), GENERAL STATUTES OF NORTH CAROLINA, SO AS TO AUTHORIZE THE STATE BANKING COMMISSION TO REDUCE THE FEES FOR EXAMINATIONS OF BANKS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section fifty-three - one hundred and twenty-two, Subsection (f), General Statutes of North Carolina, be, and the same hereby is, repealed and the following substituted in lieu thereof:

Authorizing Banking Commission to reduce fees for bank examinations.

SEC. 53-122 (f). In the first half of each calendar year, the State Banking Commission shall review the estimated cost of maintaining the office of the Commissioner of Banks for the next fiscal year, and, if the estimated fees provided for under Paragraphs (a) and (b) shall exceed the estimated cost of maintaining the office of the Commissioner of Banks for the next

fiscal year, then the State Banking Commission may reduce by uniform percentage the fees provided for in Paragraphs (a) and (b) of this section but not in a percentage greater than fifty per cent (50%) nor to an amount which will reduce the amount of the fees to be collected below the estimated cost of maintaining the office of the Commissioner of Banks for the next fiscal year.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 243 CHAPTER 468

AN ACT TO AMEND SECTION EIGHTY-FOUR - TWO POINT ONE, DEFINING THE PRACTICE OF LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That Section eighty-four - two point one of the General Statutes be, and the same hereby is, amended by being rewritten to read as follows:

Defining practice of law.

SEC. 84-2.1. "Practice law" defined. The phrase "practice law" as used in this chapter is defined to be performing any legal service for any other person, firm or corporation, with or without compensation, specifically including the preparation or aiding in the preparation of deeds, mortgages, wills, trust instruments, inventories, accounts or reports of guardians, trustees, administrators or executors, or preparing or aiding in the preparation of any petitions or orders in any probate or court proceeding; abstracting or passing upon titles, the preparation and filing of petitions for use in any court, or assisting by advice, counsel, or otherwise in any such legal work; and to advise or give opinion upon the legal rights of any person, firm or corporation: *Provided,* that the above reference to particular acts which are specifically included within the definition of the phrase "practice law" shall not be construed to limit the foregoing general definition of such term, but shall be construed to include the foregoing particular acts, as well as all other acts within said general definition.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 248 **CHAPTER 469**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A CONSERVATOR UNDER CERTAIN CIRCUMSTANCES FOR PROPERTY OF PERSONS REPORTED MISSING.

The General Assembly of North Carolina do enact:

Providing for appointment of conservator for property of certain persons reported missing.

SECTION 1. Whenever a person, hereinafter referred to as an absentee, has been reported missing, or interned in a neutral country or beleaguered, besieged or captured by an enemy, and he has an interest in any form of property in this State and has not provided an adequate power of attorney authorizing another to act in his behalf in regard to such property or interest, the clerk of the superior court of the county of such absentee's legal domicile or of the county where such property is situated, upon petition alleging the foregoing facts and showing the necessity for providing care of the property of such absentee made by any person who would have an interest in the property of the absentee were such absentee deceased, after notice to, or on receipt of proper waivers from the heirs and next of kin of the absentee as provided by law for the administration of an estate, and upon good cause being shown, may, after finding the facts to be as aforesaid, appoint any suitable person a conservator to take charge of the absentee's estate, under the supervision and subject to the further orders of the court.

Guardianship laws apply to conservators.

SEC. 2. The conservator shall post a surety bond in the same amount and under the same conditions as is required of guardians under the general guardianship laws of North Carolina, and shall possess the same powers and authority, and be subject to the same duties and requirements of guardians generally in this State.

Clerk may require conservator to provide for dependents of person reported missing.

SEC. 3. The clerk of the superior court, if petitioned for that purpose by any interested person, may, if he finds it proper to do so, require the conservator to make ample and suitable provisions out of the estate in his hands for the support of the wife or husband and infant children of such absentee, as well as any other person dependent upon such absentee for support and maintenance.

Procedure for terminating trust.

SEC. 4. At any time upon petition signed by the absentee, or on petition of an attorney in fact acting under an adequate power of attorney granted by the absentee, the court shall direct the termination of the conservatorship and the transfer of all property held thereunder to the absentee or to the designated attorney in fact. Likewise, if at any time subsequent to the appointment of a conservator it shall appear that the absentee has died and an executor or administrator has been appointed for his estate, the court shall direct the termination of the conser-

vatorship and the transfer of all property of the deceased absentee held thereunder to such executor or administrator.

Constitutionality.

SEC. 5. If any provision of this Act or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect any other provision or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 265 CHAPTER 470

AN ACT TO ADOPT, AND DECLARE LEGAL AND VALID, THE SYSTEM OF INDEXES ESTABLISHED IN THE OFFICES OF THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF STOKES COUNTY, AND TO RELIEVE THE CLERK OF THE COURT AND THE REGISTER OF DEEDS FROM ANY LIABILITY BECAUSE OF ANY ERRORS THAT MAY EXIST THEREIN.

The General Assembly of North Carolina do enact:

Relating to indexing system in office of Register of Deeds of Stokes County.

SECTION 1. That the system or method of indexes, including the alphabetical indexes of the names of the parties to all liens, grants, deeds, mortgages, bonds and any and all other instruments of writing required or authorized to be registered in the office of the Register of Deeds of Stokes County, including the consolidated general index of all documents in said register's office and cross indexes to same, heretofore inaugurated, devised and established in said register's office in the year one thousand nine hundred and forty-one by the Works Progress Administration or other governmental agency, is hereby adopted and declared to be the proper, legal and lawful system of indexes, including consolidated general index, alphabetical indexes and cross indexes for said office of Register of Deeds of Stokes County.

Relating to indexing system in office of Clerk of Superior Court of Stokes County.

SEC. 2. That the system or method of indexes, including all alphabetical indexes, cross indexes of all final judgments, minutes, orders and decrees, and cross index of parties to actions and proceedings and to all documents required by law to be entered or recorded in the office of the Clerk of the Superior Court of Stokes County, heretofore installed and established by the Works Progress Administration or other governmental agency

in the year one thousand nine hundred and thirty-six, is hereby adopted and declared to be the legal and lawful system of indexes, cross indexes, alphabetical indexes of all documents or other matters required by law to be referred to by the system of indexes in the office of the Clerk of the Superior Court of Stokes County.

Register of Deeds and Clerk of Court to be exempt from suits because of defective indexing.

SEC. 3. No suit or action shall be brought or maintained against the Clerk of the Superior Court of Stokes County or the Register of Deeds of Stokes County, nor against the surety or sureties on the official bond of either of said officers because of any errors or deficiencies existing in the system of indexes heretofore referred to in Section one and Section two of this Act, nor shall any such suit or action be maintained against either of said officers and the surety or sureties on their official bonds by reason of the failure of said system of indexes, referred to in Section one and Section two of this Act, to comply with the laws of the State of North Carolina governing the indexing, cross indexing or other manner or system of indexing of any documents whatsoever required to be recorded in the office of the Clerk of the Superior Court or registered in the office of the Register of Deeds of Stokes County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 267 CHAPTER 471

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ALAMANCE COUNTY TO ACQUIRE AND ERECT WAR MEMORIALS.

The General Assembly of North Carolina do enact:

Authorizing Alamance County to erect war memorial.

SECTION 1. That the Board of Commissioners of Alamance County is hereby authorized and empowered, in its discretion, to appropriate and pay from the general funds of Alamance County a sum not exceeding two thousand five hundred dollars, to be used in the purchase of a site and the erection thereon of suitable monument, or monuments, as a memorial to Alamance County Veterans of all wars, or to be used in the improvement and the erection of suitable monument, or monuments, upon property already owned by Alamance County, or owned by some association or memorial organization, as a memorial to Alamance County Veterans of all wars, such sum may be used in the improvement of such grounds as the board may deem suitable for such memorial or memorials.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 269 CHAPTER 472

AN ACT TO AUTHORIZE THE SHERIFF AND OTHER OFFICERS TO ADMINISTER THE OATHS TO COMMISSIONERS TO PARTITION LAND.

The General Assembly of North Carolina do enact:

SECTION 1. That Section forty-six - eight of the General Statutes be, and the same hereby is, amended so as to read as follows:

Authorizing Sheriffs and other officers to administer oaths to Commissioners in partition proceedings.

SEC. 46-8. The commissioners shall be sworn by a justice of the peace, the sheriff or any deputy sheriff of the county, or any other person authorized to administer oaths, to do justice among the tenants in common in respect to such partition, according to their best skill and ability.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 275 CHAPTER 473

AN ACT TO AMEND CHAPTER NINETY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATIVE TO THE CRIMINAL COURT OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section four of Chapter ninety-nine of the Public-Local Laws of one thousand nine hundred and forty-one being and the same is hereby amended by striking out all of said Section four and inserting in lieu thereof the following:

Relating to criminal terms of court in Rockingham County.

That at least ten days before each criminal term of the Superior Court held for Rockingham County, the clerk of said court, with the advice of the solicitor of the district, shall make out a calendar for the trial of cases at said term, calendaring as many cases for each day as they may deem necessary in order to carry out the work of the court. Jail cases shall be calendared first and bond cases shall be calendared by number; but jail

cases which are docketed in the superior court after the calendar has been made shall be calendared immediately after the jail cases already calendared. All bond cases which have been docketed in the superior court after the calendar has been made up shall be placed at the foot of the calendar. All cases not reached on the day for which they are calendared shall go to the foot of the calendar unless the judge shall otherwise specifically direct.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of the Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 282

CHAPTER 474

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF STOKES COUNTY TO ADJUST DELINQUENT TAXES.

The General Assembly of North Carolina do enact:

Authorizing Stokes County to adjust delinquent taxes.

SECTION 1. The Board of County Commissioners of Stokes County is authorized and empowered to adjust, reduce, compromise, agree upon or otherwise settle any delinquent taxes now due Stokes County or any taxes which hereafter may become delinquent, including the right to compromise, settle and adjust all notes receivable or other evidences of indebtedness directly or indirectly due said Stokes County.

Applies regardless as to whether tax foreclosure suits have been instituted or not.

SEC. 2. That this power of compromise, adjustment and settlement may be exercised regardless of whether any action at law or any proceeding whatsoever has been instituted to foreclose any tax sales certificates, for the collection of any delinquent taxes or for the collection of any notes receivable or any other evidences of indebtedness directly or indirectly due Stokes County.

Applies to past and future.

SEC. 3. It is the intent and purpose of this Act that this power of adjustment, compromise and settlement shall be retroactive and apply to all delinquent taxes heretofore levied and now due, as well as to all taxes which may in the future become delinquent, and likewise to all notes receivable and evidences of indebtedness now accrued and past due, as well as all such notes and evidences of indebtedness which may become due or past due in the future.

Validating certain adjustments previously made.

SEC. 4. All acts of the Board of County Commissioners of Stokes County heretofore done in adjusting, settling, compromising and collecting any of said delinquent taxes, notes receivable or other evidences of indebtedness whatsoever for any and all prior years are hereby approved, declared to be lawful and within the power of said Commissioners of Stokes County, and the same are hereby validated.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 288 **CHAPTER 475**

AN ACT TO AUTHORIZE THE TAX COLLECTOR OF TRANSYLVANIA COUNTY AND THE TOWN OF BREVARD TO MAKE WEEKLY, INSTEAD OF DAILY ALLOCATION OF TAXES COLLECTED BY HIM.

The General Assembly of North Carolina do enact:

Relating to tax collector of Transylvania County and Brevard.

SECTION 1. That the Tax Collector of Transylvania County and Town of Brevard is hereby authorized to deposit all funds or moneys collected by him for such county and town in the depository designated by such county and town in such account as may be designated by them and to allocate such funds or moneys to the various funds thereof once each week instead of daily.

Daily reports of deposits.

SEC. 2. That the said tax collector shall report his deposits daily to the county accountant and the town treasurer by means of duplicate deposit ticket signed by the depository and shall report his weekly allocation thereof to said county accountant and town treasurer by means of duplicate deposit ticket signed by the said depository.

Conflicting laws repealed.

SEC. 3. That all laws or clauses of law in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 289 **CHAPTER 476**

AN ACT ENABLING THE COUNTY OF RANDOLPH AND THE TOWN OF ASHEBORO TO JOINTLY ESTABLISH AIRPORTS AND PROVIDE FOR THE MAINTENANCE OF JOINT AIRPORTS BY SAID COUNTY AND TOWN.

The General Assembly of North Carolina do enact:

Defining airport.

SECTION 1. Airport or landing field for the purposes of this and the sections following is defined as any plot of land or water formally set aside, and designated as a place where aircraft may land or take off.

Authorizing County of Randolph and Town of Asheboro to acquire and operate an airport jointly.

SEC. 2. The governing bodies of the County of Randolph and of the Town of Asheboro, a municipal corporation under the laws of the State of North Carolina, located in Randolph County, in said State, are hereby authorized to jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate, airports or landing fields for the use of airplanes and other aircraft within or without, or partly within and partly without, the corporate limits of said town and within the limits of said county, and may use for such purpose or purposes any properties suitable therefor that are now or may at any time hereafter be jointly owned or controlled by said county and town.

Authorizing exercise of power of eminent domain.

SEC. 3. Any lands acquired, owned, controlled or occupied by said county and town for the purposes enumerated in Section two hereof, shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose, and said county and town shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public purpose.

May accept gifts, may sell lands now owned and may use proceeds of sale of bonds.

SEC. 4. Private property needed by said county and town for an airport or landing field may be acquired by gift or devise or shall be acquired by purchase if said county and town are able to agree with the owner or owners on the terms thereof, and otherwise by condemnation, under and in accordance with the laws of the State of North Carolina relating to eminent domain and condemnation proceedings. The purchase price or award for property acquired for an airport or landing field may be paid for by appropriation of money available therefor or by the application of any funds derived by said county or by said town from the sale of any lands now or heretofore or hereafter owned for airport or landing field purposes or other purposes, or wholly or partly from the proceeds of the sale of bonds of said county or of said town as the governing body thereof shall determine.

May use net proceeds of operations of public utilities.

SEC. 5. The governing bodies of said county and town and each of them are hereby authorized from time to time to appropriate and use from the net proceeds derived from the operation by either said county or said town of any public utility, or from funds derived from any source other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to the establishment and maintenance of any airport in such proportion and upon such basis as may be determined by the governing bodies of said county and town. *Provided* nothing herein shall be construed to permit the governing body of said county or of said town to issue bonds under the provisions of this Act without a vote of the people.

Issuance of bonds shall require vote of the people.

Joint Commission shall include two representatives selected by County Commissioners and one selected by Town Commissioners of Asheboro.

SEC. 6. A joint commission shall be appointed by the governing bodies of said county and town as follows: The County of Randolph shall be entitled to have two representatives on said commission, both of whom shall be designated and appointed by the Board of Commissioners of the said County of Randolph at any time after the ratification of this Act and before the first day of July, one thousand nine hundred and forty-five. One of said representatives shall hold office from the time of appointment until the first day of July, one thousand nine hundred and forty-eight, and until his successor shall be appointed. The other shall hold office from the time of his appointment until the first day of July, one thousand nine hundred and forty-six, and until his successor shall be appointed. Successors to each of such appointees shall be from time to time appointed by the Board of Commissioners of the said County of Randolph at any time during the period of sixty days next preceding the expiration of then current terms, so as to perpetuate and maintain the commission with its original number of members. The Town of Asheboro shall be entitled to have one representative on said commission, and that representative shall be appointed by the Board of Commissioners of the said Town of Asheboro at any time after the ratification of this Act and before the first day of July, one thousand nine hundred and forty-five, and shall hold office until the first day of July, one thousand nine hundred and forty-seven, and until his successor shall be appointed. A successor to such appointee shall be from time to time appointed by the Board of Commissioners of said Town of Asheboro at any time during the sixty days next preceding the expiration of the then current term, so as to perpetuate and maintain the commission with its original number of members. The term of everyone and all of the representatives of both county and town, subsequent to the original appointments hereinabove provided for, shall be for a term of three years and until their respective successors are appointed. Representatives shall be eligible for re-election. The commission so appointed by the governing bodies of said county and town shall be known and designated as the Randolph Airport Commission." Upon the occurrence of any

Randolph Airport Commission.

vacancy on said commission, the same shall be filled within sixty days after notice thereof, at a regular meeting by the governing body of the governmental unit which has a vacancy in its representation.

Powers of Commission.

SEC. 7. The commission so appointed by the governing bodies of said county and town shall act in an administrative capacity and shall be vested with the authority to establish, construct, control, lease, maintain, improve, operate, and regulate the joint airports or landing fields. It shall have complete authority over any and every airport or landing field jointly acquired by the governing bodies represented on said commission. *Provided that* said commission or the individual members thereof shall have no authority to pledge the credit of either of said governmental units. The said commission shall have authority to deal with the Civil Aeronautics Authority of the United States Government and all other representatives of said Federal Government relative to the grading, constructing, equipping, improving, maintaining, and operating airports or landing fields established or acquired under the authority of this Act. A majority of said commission shall control its decisions. At the first meeting of said commission and annually thereafter it shall elect a chairman from among its members. Each member of said commission, including the chairman, shall have one vote. The said commission shall meet at such place and time as the chairman shall designate. The members of said commission shall serve without compensation and shall take an oath of office administered by some officer qualified to administer oaths under the laws of the State of North Carolina. Members of said commission shall not be personally liable in any manner for the acts of the commission, except for misfeasance or malfeasance.

Said commision shall have the right and is empowered to expend such funds as are appropriated from time to time by said county and said town, jointly or severally, for joint airport purposes, and is empowered to enter into contracts and pledge the credit of the commission to the extent of the moneys appropriated by the said governmental units for joint airport purposes and assets otherwise acquired by the commission, in furtherance of the purpose of this Act.

Authorizing County Commissioners to convey County owned lands to Airport Commission.

SEC. 8. The Board of Commisisoners of the County of Randolph shall be and it is hereby authorized and empowered to convey to the said Randolph Airport Commission any real estate owned by Randolph County, North Carolina, not required for governmental purposes, or, in its discretion, it may sell any such real estate and pay over the proceeds to the said commission, to be used for the purpose of this Act. The said Randolph Airport Commission shall be and it is hereby authorized and empowered to purchase or in any other lawful way to acquire property, real and personal; and also to sell, exchange, convey, and lease pro-

perty, real and personal, as shall in its judgment be necessary or expedient in furtherance of the purpose of this Act.

Applies only to Randolph County and Asheboro.

SEC. 9. This Act shall aply only to the County of Randolph and the Town of Asheboro.

Constitutionality.

SEC. 10. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not effect the validity of the remaining parts of this Act.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 291 CHAPTER 477

AN ACT TO AUTHORIZE THE COUNTY OF FORSYTH AND CITY OF WINSTON-SALEM JOINTLY OR OTHERWISE TO ESTABLISH AND MAINTAIN A HOME AS AN AGENCY OF THE FORSYTH COUNTY JUVENILE COURT FOR THE TEMPORARY DETENTION OF CHILDREN.

The General Assembly of North Carolina do enact:

Authorizing Forsyth County and Winston-Salem to establish and maintain a home for detention of children by Forsyth Juvenile Court.

SECTION. 1. Authority is hereby granted to the County of Forsyth and City of Winston-Salem jointly, or otherwise, to establish and maintain a home or institution as an agency of the Forsyth County Juvenile Court for the temporary detention of any child who may be committed to said institution by an order of the Forsyth County Juvenile Court. The authority herein granted may be exercised by an agreement entered into by the County of Forsyth and the City of Winston-Salem, pursuant to resolutions adopted by the Board of Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem.

Agreement between said County and City.

SEC. 2. The agreement that may be entered into by the County of Forsyth and the City of Winston-Salem, pursuant to resolutions adopted by the governing bodies of each, may embody the entire plan and the provisions thereof for the establishment, operation, maintenance and supervision of said institution including the acquisition of any real and personal property, and among other things may provide:

Authorizing purchase, renting and maintenance of said institution.

(a). That the County of Forsyth and/or the City of Winston-Salem may purchase or acquire any land, buildings or real property, and may construct thereon any building or buildings or improvements for the establishment, operation and maintenance of said institution, or may rent or lease any real or personal property for the use of said institution.

Authorizing purchase of equipment and other personal property.

(b). That the County of Forsyth and/or the City of Winston-Salem may purchase or acquire any personal property for said institution, including fixtures and equipment, and provide for

the installation thereof as may from time to time be needed by said institution.

Title to property.

(c). That the title to all property, real and personal purchased for said institution, or otherwise acquired, may be vested jointly in the County of Forsyth and the City of Winston-Salem, or solely in either of said governmental units, or in any other manner as said agreement may provide.

Authorizing location anywhere in Forsyth County.

(d). That this institution and all property purchased or otherwise acquired, leased, rented or used, or any part thereof may be located anywhere in Forsyth County within or outside the corporate limits of the City of Winston-Salem.

Proportion of cost to be provided by said County and City.

(e). What proportion of the total cost for the establishment of said institution each of said governmental units shall incur and pay, and what proportion of the total cost for the maintenance and upkeep of said institution each of said governmental units shall incur and pay, and at what time or times and to whom said payments shall be made.

Board of Control.

(f). That the administration and supervision of said institution be vested in the Forsyth County Board of Public Welfare or in a board of control to be apointed in such manner and number and with such powers and duties as may be agreed upon by the governing bodies of the County of Forsyth and the City of Winston-Salem, subject, however, to the provisions hereinafter set forth in Section three of this Act.

Operation shall comply with requirements of State Board of Public Welfare and provisions of Child Welfare Act.

SEC. 3. That the operation, maintenance and supervision of said institution shall in all respects comply with the requirements of the State Board of Charities and Public Welfare as provided in Chapter one hundred and eight of the General Statutes of North Carolina, and with the provisions of Chapter one hundred and ten Child Welfare Act of the General Statutes of North Carolina, not inconsistent with the provisions of this Act.

Authorizing expenditures and levy of taxes.

SEC. 4. The purpose for the establishment, operation and maintenance of said institution by said governing bodies is hereby declared to be a public purpose and a necessary expense of the County of Forsyth and City of Winston-Salem respectively, and for which special approval is hereby given to each of said governing bodies to appropriate such sums of money as each of said governing bodies may contract for and deem adequate and necessary to establish, operate and maintain said institution, and to levy annually taxes for the establishment, maintenance and operation of said institution as a special and necessary purpose, in addition to any tax allowed by any special statute, and in addition to the rates allowed by the Constitution of North Carolina, such apropriations and the levying of taxes are hereby in all respects authorized and approved.

May accept gifts.

SEC. 5. That the governing body of said institution may accept or receive any gift, grant or bequest of any real and personal property for the use and benefit of said institution.

Authorizing sale of property whenever further use not needed.

SEC. 6. That in the event the governing bodies of the County of Forsyth and the City of Winston-Salem should decide that said property is not needed for the purpose for which it was acquired, said property shall be sold by the joint action of the governing bodies either at public or private sale and the proceeds therefrom shall be paid to the governmental units in such proportion as their interests may appear in said agreement.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 295 CHAPTER 478

AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD BY CHANGING THE BOUNDARIES OF THE CORPORATE LIMITS AND REVISING THE TERRITORY EMBRACED IN EACH OF THE FIVE WARDS.

The General Assembly of North Carolina do enact:

Amending charter of Concord.

SECTION 1. That Section one of Chapter one hundred fifty-three, Private Laws one thousand nine hunderd and twenty-five, be and the same is hereby amended by striking out said Section one, relating to the boundaries of the corporate limits of the City of Concord, and inserting in lieu thereof the folowing:

New corporate limits of Concord.

The corporate limits of the City of Concord shall be bounded as follows:

Beginning at a monument on the South side of East Depot Street, said monument being one hundred and fifty-one feet East of intersection of Adams Street and East Depot Street and being forty feet South of the North gutter line of East Depot Street and runs thence North thirty-eight - seventeen West two thousand eight hundred and thirteen point one feet to a monument, said monument being approximately two hundred feet Northwest of D. M. Hatley; thence North fifty-nine - seventeen West one thousand four hundred and forty-seven point seven feet to an iron stake, a monument on the North side of Hamilton Street, approximately one hundred and ninety feet North of American Avenue; thence North sixty-three - seven West one thousand nine hundred and fifteen point nine feet to a monument in the old corporate line; said monument being one hundred and

seventy-eight point two feet Northeast of the intersection of Todd Street and Hillandale Road; thence South sixty-one and one half West approximately one thousand and forty feet to the East edge of North Church Street; thence North forty-two and one half West three hundred feet to an iron pipe where Cemetery Street intersects with East side of North Church Street; thence along Cemetery Street South fifty-eight and one half West two thousand five hundred and thirty-six feet to a point in Allison Street; thence South sixteen and one half East one hundred and ninety-six feet along Allison Street to the intersection of Jones Street; thence with Jones Street South seventy-four West three hundred point five feet to where it intersects Gibson Street; thence with the West edge of Gibson Street in a northerly direction to an iron pipe being two hundred and forty feet from the North of Phifer Street; thence South seventy-two and one half East seven hundred and fifty-seven point five feet to a point in the center line of the Southern Railway; thence South seventeen - sixteen East down the center line of the railway tracks one thousand six hundred and eighty-seven point six feet to a point where said railway crosses Montgomery Branch; thence South fifty-four - forty-four West eight hundred and fourteen point six feet down Montgomery Branch, approximately, to a monument, said monument being twenty-four feet East of Stricker Branch and approximately thirty-four feet South of the mouth of Montgomery Branch; thence South twelve - forty-four East seven hundred and ninety-seven point seven feet down Stricker Branch to a point in the center line of bridge on McGill Street; thence South fifteen - thirty-three East two thousand six hundred and forty-one point six feet down Stricker Branch through Cannon Mill Lake to where Stricker Branch empties into Irish Buffalo Creek; thence with the center line of said Buffalo Creek, the following courses: South fifty-nine - twenty-seven East three hundred and ninety-nine point five feet; South forty-six - twenty-seven East eight hundred and eighty-three point six feet; South thirty-eight - seventeen East six hundred and seventy-one point eight feet; thence South twenty-seven - forty-nine East six hundred and fifteen point seven feet; thence South twenty-five - thirty-seven East three hundred and ninety-four feet; thence South thirty-four - fifty-one East one thousand one hundred and eighteen feet to a point on the creek where West Depot crosses said creek; thence South fifty-four - sixteen East one thousand and sixty-nine point two feet to center line of Southern Railway under trestle; thence South fifty-four - sixteen East four hundred and fifty-seven point eight feet; thence South forty-three - twenty-two East one thousand three hundred and twenty-two point four feet; thence South nine - fifty-four East six hundred and thirty-two point two feet; thence South twenty-one - twenty-two East nine hundred and ninety-nine feet; thence South thirty-six - twenty-one East five hundred and forty-eight point four feet to monument on East side of creek; leaving the creek North

forty-five - twenty-seven East three thousand five hundred and forty-four point eight feet to a monument; said monument being in the North property line of City of Concord Housing Authority; thence South twenty-nine - fifty-six East four thousand eight hundred and seventy-five point seven feet to a monument; thence North fifty-nine point four East crossing South Union Street two thousand five hundred and sixty-six point four feet to a monument; thence North thirty-one - forty-two West three thousand nine hundred and seventy-six point eight feet to a concrete monument (now in); thence North four - thirty-four East two thousand six hundred and seventy-four point eight feet to an iron pin, said iron pin being in the center line of Hillcrest Drive approximately Northeast of Summit Street; thence North thirty-two - seven West crossing N. C. seventy-three approximately one hundred and thirty-five feet West of the West edge of bridge over Three Mile Branch, four thousand one hundred and forty point four feet to the beginning.

Extending ordinances of Concord to new territory.

SEC. 2. That the territory embraced within the enlarged boundary set out in Section one here—of is hereby annexed to said City of Concord and is in all respects made a part thereof. All laws and ordinances relating to said City of Concord as it existed at and prior to the passage of this Act shall apply to said city as enlarged by this Act.

New limits of wards.

SEC. 3. That any territory thus annexed to said City of Concord is hereby made a part of the ward to which it is contiguous.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. B. 132 CHAPTER 479

AN ACT TO PERMIT GUARDIANS OF INSANE OR INCOMPETENT PERSONS TO PAY CERTAIN RELATIVES FUNDS FROM THE ESTATE OF SAID INSANE OR INCOMPETENT WORD DERIVED FROM GOVERNMENT BENEFITS ON ACCOUNT OF MILITARY SERVICE.

The General Assembly of North Carolina do enact:

Relating to payment of certain pension funds to dependents of incompetents.

SECTION 1. It shall be lawful for guardians of insane or incompetent persons who receive pensions or other benefits from the government of the United States of America on account of military service to pay to dependent relatives such an amount as shall be approved by the clerk of the superior court having jurisdiction over said guardian, and when approved by a superior court judge.

SEC. 2. The word "relative," as used herein, shall mean father, mother, brother, sister, nephew, niece, uncle, aunt, or any other relative, who, prior to appointement of said guardian, received any part of their maintenance from said ward. Defining scope of word "relative."

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. B. 459 CHAPTER 480

AN ACT TO AMEND THE CHARTER TO EXTEND THE CORPORATE LIMITS OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter eighty-two of the Private Laws of the State, Chapter thirty of the Private Laws of one thousand eight hundred and ninety-nine, and any amendments thereto, the same is hereby amended by striking out all of said section and inserting in lieu thereof the following: Amending charter of New Bern.

SEC. 2. That the corporate limits of the City of New Bern will be as follows: Beginning opposite to Union Point where the channel of Trent River joins the channel of Neuse River and runs from thence up and with the channel of Trent River to the mouth of Lawson's Creek; thence up and with the various courses of the center of Lawson's Creek to where the same will be intersected by an extension southwardly by the Eastern line of Fourth Street in Ghent, map of which said division appears of record in the Registery of Craven County in Book one hundred fifty-nine, at Page one hundred and twelve, to which reference is herewith made; thence with the Eastern line of Fourth Street extended and Fourth Street northwardly to its intersection with the Southern right of way line of the Atlantic Coast Line Railroad on Park Avenue; thence westwardly with said Southern right of way of said Atlantic Coast Line Railroad to where same will be intersected by the extension of the Eastern line of Simmons Street in the subdivision known as Trent Park, a map of which appears of record in the Registry of Craven County in Map Book one, Page two hundred and six, to which said map reference is herewith made; thence northwardly with the Eastern line of said Simmons Street to the Northern line of said Trent Park subdivision; thence in a northwardly direction and a direct line to Neuse Road at its Northern intersection with the Eastern line of the roadway running northwardly to the Highway Commission Camp; thence northwardly from the Northeast corner of the land occupied by the Highway Commission Camp to the Atlantic and Corporate limits of New Bern.

North Carolina Railroad right of way at a point of the trestle over a canal leading into Jack Smith's Creek; thence along said canal to the point where the same enters into Jack Smith's Creek; thence down and with the various courses of the center of said creek to the mouth of the same on the channel of Neuse River; thence with the various courses of the channel of Neuse River, southwardly to the point of beginning.

Conflicting laws amended.

SEC. 2. That from and after the ratification of this Act the corporate limits of the City of New Bern, North Carolina, shall be as described in Section one of this Act, and that all prior legislation affecting such corporate limits shall be and is hereby amended in such manner as to conform with the description of Section one of this Act.

Extending laws and ordinances to new territory.

SEC. 3. That all the territory embraced within the boundaries hereinbefore set out which was not formerly a part of the City of New Bern shall be subject to all the provisions of law as contained in Chapter thirty of the Private Laws of one thousand eight hundred and ninety-nine, and such amendments as have been made to the same, and shall also be subject to all rules, regulations and ordinances passed by the Board of Aldermen of the City of New Bern or which may be hereafter passed by the board of aldermen for said city.

Prohibiting ad valorem taxes on new territory for 1945.

SEC. 4. That no ad valorem tax shall be levied against any of the property or property holders or residents within that part of the territory above described which was not formerly included in the corporate limits of the City of New Bern for the year one thousand nine hundred and forty-five.

Referendum on this amendment to charter.

SEC. 5. At the time of holding the primary for the nomination of Mayor and other officers of the City of New Bern in the year one thousand nine hundred and forty-five, the question of the adoption of this amendment to the Charter of the City of New Bern shall be submitted to the qualified voters of said city, and the qualified voters residing in the proposed extended area. The said election shall be held under the laws governing the holding of primary elections and elections for the City of New Bern. At said election all of those who are in favor of the adoption of the amendment shall vote a ballot upon which shall be prined or written the words "For Extension of City Limits," and those who are opposed shall vote a ballot upon which shall be printed or written the words "Against Extension of City Limits." If in said election a majority of the votes cast shall be "For Extension of City Limits," the said amendment shall be adopted and become a part of the Charter of the City of New Bern, but if a majority of the votes shall be "Against Extension of City Limits," said amendment shall not become a part of the Charter of the City of New Bern. If said amendment shall be adopted as herein provided for, then and in that event, it shall go into effect at the time of the qualification of the mayor and aldermen who shall

be elected at the election held in one thousand nine hundred and forty-five.

Constitutionality.

SEC. 6. If any clause, sentence, paragraph, subsection, or any part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, subsection, section or part thereof directly involved in such judgment. No caption of any section or sections shall in any way affect the validity of this Act or any part thereof.

SEC. 7. That this Act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. B. 528 CHAPTER 481

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROBBINS SO AS TO ADD CERTAIN TERRITORY TO ITS CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Amending charter of Robbins.

SECTION 1. That Chapter sixty-three of the Private Laws of the State of North Carolina enacted at its Session of the year one thousand nine hundred and thirty-five, incorporating the Town of Hemp (the name of which has since been changed to the Town of Robbins) be, and the same is hereby, amended by adding to the corporate limits of said town, as defined and described in Section two of said Chapter sixty-three, the following described additional territory, which shall be subject to all the provisions of said Chapter sixty-three, to-wit:

Limits of added territory.

In Sheffield Township, Moore County, North Carolina, beginning at a stake, the most Southeastern corner of the present corporate limits of the Town of Robbins, North Carolina, said stake being known as the Bud Williams heirs corner, and thence with the present corporate limits of said town, the following courses and distances: North thirty-three degrees thirty-five minutes East three hundred and sixty-three feet to the Pinehurst Silk Mills (now Robbins Cloth Mills, Incorporated) line in the old Fayetteville Road; thence approximately with the old Fayetteville Road South thirty-four degrees forty minutes East two hundred and forty feet to an iron stake, the Pinehurst Silk Mills (now Robbins Cloth Mills, Incorporated) Southwest corner; thence along and beyond the Pinehurst Silk Mills (now Robbins Cloth Mills, Incorporated) line North forty-four degrees no minutes East six hundred and fifteen and fifty one-hundredths feet to a point in the W. H. Kennedy line; thence

with the W. H. Kennedy line South sixty degrees thirty minutes East four hundred and seventy-five and forty one-hundredths feet to a stake; thence North nineteen degrees two minutes East one thousand and fifty-six and sixty one-hundredths feet to a stake in the C. C. Frye's line, the most Northeastern corner of the present corporate limits of the Town of Robbins, North Carolina; thence the following new courses which do not constitute any portion of the boundaries of said town as originally described in said Chapter sixty-three; continuing with the C. C. Frye's line South sixty-nine degrees nineteen minutes East three hundred and sixteen and sixty-one one-hundredths feet to a stake; thence South nineteen degrees two minutes West one thousand eight hundred and ninety-seven and thirty one-hundredths feet to a stake in the center of Hemp Street; thence with the center line of Hemp Street North fifty-two degrees forty-three minutes West three hundred and thirty-three and twenty one-hundredths feet to stake in the intersection of the center line of Hemp and Oak Streets; thence with the center line of Hemp Street (old Fayetteville Road) North fifty-five degrees thirty-one minutes West ninety-five and fifty-five one-hundredths feet to a stake; thence South thirty-four degrees forty-five minutes West one hundred and fifty-eight and sixty-nine one-hundredths feet to a stake; thence North fifty-four degrees forty-nine minutes West four hundred and eighty-six and seventy-five one-hundredths feet to a stake in the center line of Baptist Street; thence with the center line of Baptist Street South sixty degrees fifty-six minutes West two hundred and ten and thirty-eight one-hundredths feet to a stake; thence North thirty-eight degrees twelve minutes West one hundred and eighty-nine and twenty-four one-hundredths feet to a stake; thence North forty-eight degrees seven minutes West one hundred and ninety-one and five one-hundredths feet to a stake, the Bud Williams heirs corner, the point of beginning.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. B. 531 CHAPTER 482

AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS OF THE TOWN OF SPRING HOPE TO MAKE ARRESTS WITHIN A RADIUS OF THREE MILES OF THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Authorizing officers of Spring Hope to make arrests within radius of three miles of corporate limits.

SECTION 1. Law enforcement officers of the Town of Spring Hope are hereby authorized and empowered to make arrests within a radius of three miles of the corporate limits of said town for the violation of any law or ordinance or the commission of any crime within the corporate limits of said town.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. B. 535 CHAPTER 483

AN ACT TO ALLOW THE GOVERNING BODY OF THE CITY OF GREENSBORO TO ESTABLISH BY ORDINANCE A RETIREMENT OR PENSION FUND FOR EMPLOYEES.

The General Assembly of North Carolina do enact:

Greensboro Employees Retirement Fund.

SECTION 1. That the retirement or pension fund which may hereafter be established by the governing body of the City of Greensboro under the provisions of this Act shall be known, and is hereafter referred to as Greensboro Employees Retirement Fund.

Authorizing Greensboro to establish retirement fund system for its employees.

SEC. 2. That the governing body of the City of Greensboro may establish, by ordinance, a retirement fund which provides for the payment of benefits to employee members of the Greensboro Employees Retirement Fund, or to their beneficiaries, in the following cases:

(1) Retirement because of age
(2) Disability
(3) Death

Said ordinance may also provide for a refund of contributions by employees on such basis as may be designated by the ordinance.

Regulations.

Membership may be compulsory for such officers and employees of the City of Greensboro as shall be so designated in the ordinance. The City of Greensboro and such members shall contribute jointly to the Greensboro Employees Retirement Fund in such proportion as shall be stated in the ordinance, in order to meet the liabilities accruing against such fund because of personal service rendered to said city by such members after the establishment of such fund; *provided, however,* that the ordinance may provide benefits which are based, partly or entirely, upon personal services rendered to the City of Greensboro prior to the establishment of said fund, and the municipality may contribute the entire cost of benefits based on any such prior service. The expense of administering the fund shall be paid as designated in the ordinance, and the governing body of said city shall provide and appropriate each year sufficient revenue to cover its portion of the expense of the administration and its share of contributions as designated in the ordinance, and if necessary levy annually taxes for the payment of the same.

Solvent actuarial reserve basis.

SEC. 3. That the Greensboro Employees Retirement Fund shall be maintained on a solvent actuarial reserve basis for all benefits beginning at the date of the inauguration of the fund, excepting the present value of benefits based on prior service.

Regulations.

SEC. 4. That the contributions required to cover the cost of benefits based on prior service shall be sufficient to fund the liability for such prior service in not more than forty years from the date of the establishment of such fund. The ordinance shall provide that required contributions by such members as hereinbefore mentioned shall be collected by deducting the amounts so required from the salary or wages due such members. The ordinance may provide for the appointment or election of a retirement board or board of trustees, and for the delegation to such board of such powers and duties as may be deemed necessary to carry out the intent and purpose for which said fund is established. If such retirement board or board of trustees is provided for by ordinance, the said board shall consist of a member or members of the governing body of the City of Greensboro, an employee or employees entitled to participate in said fund, and one or more citizens of the State of North Carolina, not officially connected with the governing body of any municipality or entitled to participate in the benefits of said fund.

Services may be obtained through contract with other government units or insurance companies.

SEC. 5. That the City of Greensboro may provide for the payment of one or more of the benefits enumerated in Section two of this Act by contracting with the governing body of any other municipality or municipalities within the State, with the United States Government, or with State departments or other competent agencies, or may contract with any insurance company, person or other corporation for the performance of any service in connection with the establishment of said fund, or

for the investment, care or administration of said fund, or for any other service relating thereto.

System to be exclusive.

SEC. 6. That after the effective date of the ordinance which may hereafter be adopted under and by virtue of the authority of this Act, the City of Greensboro shall not contribute to any pension or retirement fund except under the provisions contained in said ordinance, and in accordance therewith.

Relating to conflicts between provisions of this Act and provisions of city charter and existing statutes.

SEC. 7. The powers granted to City of Greensboro by this Act are supplementary to any powers heretofore or hereafter granted in its charter or by public, local or general law for the same or a similar purpose; and in any case where the provisions of this Act conflict with or are different from such provisions of the charter, public, local or general law, the governing body of the City of Greensboro may in its discretion, before an ordinance authorized by this Act is adopted, proceed in accordance with the provisions of the charter, public, local or general law, or, as an alternative method, in accordance with the provisions of this Act.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. B. 547 **CHAPTER 484**

AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES AND PAVING ASSESSMENTS IN THE TOWN OF EAST FLAT ROCK AND TO DISPOSE OF REAL ESTATE.

The General Assembly of North Carolina do enact:

Relating to adjustment of delinquent taxes and paving assessments in East Flat Rock.

SECTION 1. When it shall appear to the satisfaction of the Board of Commissioners of the Town of East Flat Rock, that the unpaid portion of street and sidewalk assessments due and to become due, together with all unpaid taxes heretofore levied by the town, or by the County of Henderson, against any piece or parcel of land within the Town of East Flat Rock, shall in the opinion of the commissioners, amount in the aggregate to as much or more than the reasonable market value of any such piece or parcel of land, the said commissioners are hereby authorized and empowered to reduce the amount of said assessments and taxes to such sum as is fair and just, and will best subserve the interests of the town. That the application for such reduction shall be in writing and shall be made by some person, firm or corporation, who has an interest in the property,

and such reduction as may be allowed shall be deducted by the town tax collector upon the payment of the unpaid balance, and which balance shall be paid within ten days from the making of the order allowing such reduction, or such order shall thereupon become null and void; *provided*, that this Act shall apply only to taxes for the year one thousand nine hundred and forty-four, and previous years.

Procedure in making foregoing adjustments.

SEC. 2. The application for reduction of taxes and paving assessments provided for in the preceding section shall be filed with the mayor and shall be accompanied by a deposit of three dollars ($3.00) to pay the cost of the appraisal herein provided for. The mayor shall thereupon appoint one member of the board of town commissioners, and two resident taxpayers of the Town of East Flat Rock, to appraise the property mentioned and referred to in the application. Said appraisers shall view the premises and shall file with the mayor a report showing their valuation of said property within ten days from their notification of said appointment, and which said report, together with the application for reduction of taxes and paving assessments, shall be considered and passed upon by the board of town commissioners at any special or regular meeting of said board and such action shall thereupon be taken by the board with respect to the value of the property and the reduction of taxes and street assessments as it may deem fair and just under all the circumstances; *provided*, that any reduction in valuation made hereunder shall only apply to the year one thousand nine hundred and forty-four, and previous years, and shall not be construed as changing the valuation of any of said property placed thereon by the Board of Commissioners of Henderson County for any years subsequent to the year one thousand nine hundred and forty-four.

Cash settlements.

SEC. 3. That the settlement of any adjustment of taxes or paving assessments made hereunder, shall be made in cash.

Validating prior adjustments.

SEC. 4. That any and all settlements heretofore made or authorized by the Board of Commissioners of the Town of East Flat Rock with taxpayers, wherein reductions have been allowed in taxes or paving assessments, or both, be and the same are hereby in all respects ratified and confirmed.

Authorizing private sale of property owned by East Flat Rock.

SEC. 5. The Board of Commissioners of the Town of East Flat Rock shall have the right to sell at private sale any real estate it now owns or has an interest in or may hereafter acquire, either through tax foreclosure or otherwise, upon such terms and conditions as the board deems advisable.

Tax adjustment features hereof expire in two years.

SEC. 6. That this Act with the exception of Section five above shall become inoperative and void at the expiration of two years from its ratification.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. B. 551 **CHAPTER 485**

AN ACT PROVIDING FOR AN EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF SILER CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Siler City in Chatham County, North Carolina, are hereby extended so that they shall include and embrace within the corporate limits the following additional section and territory: Extending corporate limits of Siler City.

Beginning at a point in the western boundary line of the present town limits which point is located on the South side of Henry Street, two thousand eight hundred and twenty-five feet (2,825) due North from the Southwest corner of the present town limits, and running thence South sixty-nine degrees (69) fifteen minutes (15) West four hundred fifty-nine feet (459) to a point; thence North twenty degrees (20) forty-five minutes (45) West four hundred fifty feet (450) to a point; thence North sixty-nine degrees (69) fifteen minutes (15) East six hundred ninety-six feet (696) to a point in the western boundary line of the present town limits, on the North side of Samuel Street; thence South five hundred eight feet (508) with and on the line of the present western boundary line to the point of beginning. New corporate limits.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. B. 583 CHAPTER 486

AN ACT TO CREATE A REVOLVING FUND FOR ROBESON COUNTY FROM THE PROCEEDS OF CERTAIN PAST DUE TAX RECEIPTS.

The General Assembly of North Carolina do enact:

Creating revolving fund for Robeson County from collections of certain delinquent taxes.

SECTION 1. That when taxes are paid to the Revenue and Tax Assistant to County Manager of Robeson County on tax receipts covering only personal property two years or more after the first day of July of the year for which the taxes were assessed, or when taxes are paid to said revenue and tax assistant to county manager on tax receipts or sales certificates which include real estate, five years or more after July first of the year for which the taxes were assessed, the Revenue and Tax Assistant to County Manager or proper accounting authority of Robeson County shall pay or distribute the proceeds of such tax collections, including penalties thereon, to a fund to be known as the revolving fund, from which fund the Board of Commissioners of Robeson County may appropriate through the budget such amounts of said fund to other funds of the county as the board of commissioners deems proper.

Effective June 30, 1945.

SEC. 2. That this Act shall be in full force and effect from and after the thirtieth day of June, one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Ratified this the 9th day of March, 1945.

H. B. 584 CHAPTER 487

AN ACT VALIDATING SALES OF LAND FOR TAXES IN THE COUNTY OF ROBESON AND MUNICIPALITIES THEREIN MADE DURING THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-THREE AND ONE THOUSAND NINE HUNDRED AND FORTY-FOUR AND CONFIRMING SETTLEMENTS AND ADJUSTMENTS OF TAXES HERETOFORE MADE BY THE GOVERNING BODY OF ROBESON COUNTY AND THE GOVERNING BODY OF THE MUNICIPALITIES THEREIN, AND AUTHORIZING THE ADJUSTMENT OF CERTAIN ACCOUNTS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Validating certain tax sales in Robeson County.

SECTION 1. That all sales of tax certificates and all sales for failure to pay taxes held, conducted or made by the Tax Collector of Robeson County or of any municipality or taxing district therein, made during the years one thousand nine hundred and

forty-three and one thousand nine hundred and forty-four, on any date subsequent to or different from the date prescribed by law and all certificates of sale executed or issued pursuant to and in accordance with such sale, be and the same are hereby confirmed and validated and said sales and said certificates are of the same force and effect as if the sales had been conducted on the date authorized by law.

Validating certain tax adjustments in Robeson County.

SEC. 2. That all settlements and adjustments of taxes heretofore made by or under authority of the Board of Commissioners of Robeson County or by or under authority of the governing boards of any municipality in Robeson County, be, and the same are hereby confirmed and validated.

Authorizing certain adjustments of accounts in Robeson County.

SEC. 3. That the County Manager of Robeson County, under appropriate orders of the board of commissioners of said county be and he is hereby authorized to eliminate such of the interfund accounts of said county and of the county schools, and the accounts of the city administrative units of the schools within the county as are on the books of the county on July first, one thousand nine hundred and forty-five, by debiting and crediting the surplus accounts of the several county funds.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. B. 616 CHAPTER 488

AN ACT VALIDATING CERTAIN EXPENDITURES OF FUNDS OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Validating certain expenditures of funds in Swain County.

SECTION 1. That all expenditures of the collections of taxes and other revenues of the County of Swain made for current operating expenses and for poor relief prior to July first, one thousand nine hundred forty-four, are hereby validated, and the board of commissioners of said county is hereby empowered to authorize such adjustments between the various funds of the county, as of June thirtieth, one thousand nine hundred and forty-four, as are deemed expedient for the elimination of deficits.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. B. 643 **CHAPTER 489**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO ADJUST ALL DELINQUENT TAXES FOR THE YEAR ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Authorizing Anson County to adjust certain delinquent taxes.

SECTION 1. The Board of Commissioners of Anson County is hereby authorized and empowered to adjust, remit, compromise, or otherwise settle delinquent taxes for the year one thousand nine hundred and thirty-eight and all prior years, regardless of whether an action at law has been instituted to foreclose tax sale certificates.

Validating certain adjustments previously made.

SEC. 2. All acts of the Board of Commissioners of Anson County done heretofore in adjusting, settling or collecting taxes for the year one thousand nine hundred and thirty-eight and prior years are hereby approved and validated.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

S. B. 79 **CHAPTER 490**

AN ACT RELATING TO AERONAUTICS; DEFINING TERMS; PROVIDING FOR THE ACQUISITION, ESTABLISHMENT, CONSTRUCTION, ENLARGEMENT, IMPROVEMENT, MAINTENANCE, EQUIPMENT, OPERATION AND REGULATION OF AIRPORTS, OTHER AIR NAVIGATION FACILITIES AND AIRPORT PROTECTION PRIVILEGES BY MUNICIPALITIES; PERMITTING THE ACCEPTANCE OF FEDERAL AID; AUTHORIZING JOINT ACTION BY MUNICIPALITIES, AND TO MAKE UNIFORM THE LAW WITH REFERENCE TO PUBLIC AIRPORTS.

The General Assembly of North Carolina do enact:

Definitions.

SECTION 1. Definitions. For the purpose of this Act the following words, terms, and phrases shall have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

Aeronautics.

(a) "Aeronautics" means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities, and air instruction.

Aircraft.

(b) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

Public aircraft.

(c) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government owned aircraft engaged in carrying persons or property for commercial purposes.

Civil aircraft.

(d) "Civil aircraft" means any aircraft other than a public aircraft.

Airport.

(e) "Airport" means any area of land or water, except a restricted landing area, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights of way, whether heretofore or hereafter established.

Commission. (f) "Commission" means the North Carolina Aeronautics Commission.

State. (g) "State" or "this State" means the State of North Carolina.

Restricted area. (h) "Restricted area" means any area of land, water, or both, which is used or is made available for the landing and take-off of aircraft, the use of which shall, except in case of emergency, be only as provided from time to time by the commission.

Air navigation facility. (i) "Air navigation facility" means any facility other than one owned or controlled by the Federal Government, used in, available for use in, or designed for use in aid of air navigation, including airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area, and any combination of any or all of such facilities.

Air navigation. (j) "Air navigation" means the operation or navigation of aircraft in the air space over this State, or upon any airport or restricted landing area within this State.

Operation of aircraft. (k) "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation and includes the navigation or piloting of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the statutes of this State.

Airman. (l) "Airman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while underway and (excepting individuals employed outside the United States, any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, and any individual performing inspection or mechanical duties in connection with aircraft owned or operated by him) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher or air traffic control tower operator.

Air instruction. (m) "Air instruction" means the imparting of aeronautical information by any aeronautics instructor or in or by any air school or flying club.

(n) "Air School" means any person engaged in giving or offering to give instruction in aeronautics, either in flying or ground subjects, or both, for or without hire or reward, and advertising, representing, or holding himself out as giving or offering to give such instruction. It does not include any public school or university of this State, or any institution of higher learning duly accredited and approved for carrying on collegiate work. Air School.

(o) "Aeronautics instructor" means any individual engaged in giving instruction or offering to give instruction in aeronautics, either in flying or ground subjects, or both, for hire or reward, without advertising such occupation, without calling his facilities an "air school" or anything equivalent thereto, and without employing or using other instructors. It does not include any instructor in any public school or university of this State, or any institution of higher learning duly accredited and approved for carrying on collegiate work, while engaged in his duties as such instructor. Aeronautics instructor.

(p) "Flying club" means any person other than an individual which, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction or pleasure, or both. Flying Club.

(q) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof. Person.

(r) "State airway" means a route in the navigable air space over and above the lands or water of this State designated by the commission as a route suitable for air navigation. State airway.

(s) "Navigable air space" means air space above the minimum altitudes of flight prescribed by the laws of this State, or by regulations of the commission consistent therewith. Navigable air space.

(t) "Municipality" means any county, city, or town of this State, and any other political subdivision, public corporation, authority, or district in this State, which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities. Municipality.

(u) "Airport protection privileges" means easements through, or other interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to insure safe approaches to the landing areas of airports and restricted landing areas and the safe and efficient operation thereof. Airport protection privileges.

Airport hazard.

(v) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking-off at any airport or restricted landing area or is otherwise hazardous to such landing or taking-off.

The singular shall include the plural, and the plural the singular.

SEC. 2. Municipalities may acquire airports.

Authorizing every municipality to acquire, construct and operate an airport.

(a) Every municipality is hereby authorized, through its governing body, to acquire property, real or personal, for the purpose of establishing, constructing, and enlarging airports and other air navigation facilities and to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate such airports and other air navigation facilities and structures and other property incidental to their operation, either within or without the territorial limits of such municipality and within or without this State; to make, prior to any such acquisition, investigations, surveys, and plans; to construct, install, and maintain airport facilities for the servicing of aircraft and for the comfort and accommodation of air travelers; and to purchase and sell equipment and supplies as an incident to the operation of its airport properties. It may not, however, acquire or take over any airport or other air navigation facility owned or controlled by any other municipality of the State without the consent of such municipality. It may use for airport purposes any available property that is now or may at any time hereafter be owned or controlled by it. Such air navigation facilities as are established on airports shall be supplementary to and coordinated in design and operation with those established and operated by the Federal Government.

Authorizing exercise of powers of eminent domain.

(b) All property needed by a municipality for an airport or restricted landing area, or for the enlargement of either, or for other airport purposes, may be acquired by purchase, gift, devise, lease or other means if such municipality is able to agree with the owners of said property on the terms of such acquisition, and otherwise by condemnation in the manner provided by the law under which such municipality is authorized to acquire like property for public purposes, full power to exercise the right of eminent domain for such purposes being hereby granted every municipality both within and without its territorial limits. If but one municipality is involved and the charter of such municipality prescribes a method of acquiring property by condemnation, proceedings shall be had pursuant to the provisions of such charter and may be followed as to property within or without its territorial limits. The fact that the property needed has been acquired by any agency or corporation authorized to institute condemnation proceedings under power of eminent domain

shall not prevent its acquisition by the municipality by the exercise of the right of eminent domain herein conferred when such right is exercised on the approach zone or on the airport site. For the purpose of making surveys and examinations relative to any condemnation proceedings, it shall be lawful to enter upon any land, doing no unnecessary damage.

Relating to acquirement of interests to provide air space and to eliminate airport hazards.

(c) Where necessary, in order to provide unobstructed air space for the landing and taking-off of aircraft utilizing airports or restricted landing areas acquired or operated under the provisions of this Act, every municipality is authorized to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards, or airport hazards outside the boundaries of the airports or restricted landing areas and such other airport protection privileges as are necessary to insure safe approaches to the landing areas of said airports or restricted landing areas and the safe and efficient operation thereof. It is also hereby authorized to acquire, in the same manner, land for the removal of airport hazards and the right of easement for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress or egress to or from such airport hazards for the purpose of maintaining and repairing such lights and marks. This authority shall not be so construed as to limit any right, power or authority to zone property adjacent to airports and restricted landing areas under the provisions of any law of this State.

Relating to airport protection privileges.

(d) It shall be unlawful for anyone to build, rebuild, create, or cause to be built, rebuilt, or created any object, or plant, cause to be planted, or permit to grow higher any tree or trees or other vegetation which shall encroach upon any airport protection privileges acquired pursuant to the provisions of this section. Any such encroachment is declared to be a public nuisance and may be abated in the manner prescribed by law for the abatement of public nuisances, or the municipality in charge of the airport or restricted landing area for which airport protection privileges have been acquired as in this section provided, may go upon the land of others and remove any such encroachment without being liable for damages in so doing.

SEC. 3. Airports a public purpose.

Airports are a public purpose.

(a) The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment and operation of airports and other air navigation facilities, and the exercise of any other powers herein granted to municipali-

ties, are hereby declared to be public, governmental and municipal functions exercised for a public purpose and matters of public necessity, and such lands and other property, easements and privileges acquired and used by such municipalities in the manner and for the purposes enumerated in this Act, shall and are hereby declared to be acquired and used for public, governmental and municipal purposes and as a matter of public necessity.

Prior acquisition of airports validated.

SEC. 4. Prior acquisition of airport property validated.

(a) Any acquisition of property within or without the limits of any municipality for airports and other air navigation facilities or of airport protection privileges heretofore made by any such municipality in any manner, together with the conveyance and acceptance thereof, is hereby legalized and made valid and effective.

Airport property exempt from taxes.

SEC. 5. Airport property and income exempt from taxation.

(a) No municipality shall be required to pay any tax to the State of North Carolina or any other municipality on account of property, either real or personal, now owned or hereafter acquired for aeronautical purposes.

Powers of municipalities in operating airports.

SEC. 6. Specific powers of municipalities operating airports.

(a) In additiin to the general powers of this Act conferred, and without limitation thereof, a municipality which has established or may hereafter establish airports, restricted landing areas or other air navigation facilities, or which has acquired or set apart or may hereafter acquire or set apart real property for each purpose or purposes is hereby authorized.

Authority.

(b) To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation and regulation thereof in an officer, a board or body of such municipality by ordinance or resolution which shall prescribe the powers and duties of such officer, board or body. The expense of such construction, enlargement, improvement, maintenance, equipment, operation and regulation shall be a responsibility of the municipality.

Regulations.

(c) To adopt and amend all needful rules, regulations and ordinances for the management, government and use of any properties under its control whether within or without the territorial limits of the municipality; to appoint airport guards or police with full police powers; to fix by ordinance, penalties for the violation of said ordinances and enforce said penalties in the same manner in which penalties prescribed by other ordinances of the municipality are enforced. It may also adopt ordinances designed to safeguard the public upon or beyond the limits of private airports or landing strips within such municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Such ordinances shall be published as provided by general law or the charter of the mu-

nicipality for the publication of similar ordinances. They must conform to and be consistent with the laws of this State and shall be kept in conformity, as nearly as may be, with the then current Federal legislation governing aeronautics and the regulations duly promulgated thereunder and rules and standards issued from time to time pursuant thereto.

Leasing.

(d) To lease such airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, to any municipal or State government or to the national government, or to any department of either thereof, for operation; to lease to private parties, to any municipal or State government or to the national government, or any department of either thereof, for operation or use consistent with the purpose of this Act, space, area, improvements, or equipment on such airports; to sell any part of such airports, other air navigation facilities or real property to any municipal government, or to the United States or to any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services and facilities; provided that in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

Disposal of property not needed longer.

(e) To sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aeronautic purposes in accordance with the laws of this State or the provisions of the charter of the municipality governing the sale or leasing of similar municipally owned property.

Charges and fees.

(f) To determine the charge or rental for the use of any properties under its control and the charges for any services or accommodations and the terms and conditions under which such properties may be used, *provided* that in all cases the public is not deprived of its rightful, equal, and uniform use of such property. Charges shall be reasonable and uniform for the same class of service and established with due regard to the property and improvements used and the expense of operation to the municipality. The municipality shall have and may enforce liens as provided by law for liens and enforcement thereof, for repairs to or improvement or storage or care of any personal property, to enforce the payment of any such charges.

(g) To exercise all powers necessarily incidental to the exercise of the general and special powers herein created.

Federal aid.

SEC. 7. Fderal aid.

(a) A municipality is authorized to accept, receive, and receipt for Federal moneys and other moneys, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of airports and other air navigation facilities and sites therefor, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditures of Federal moneys upon such airports and other air navigation facilities.

Government funds.

(b) The governing body of any municipality is authorized, if necessary, to comply with any Federal law or regulation of any agency thereof to designate the North Carolina Aeronautics Commission as its agent to accept, receive, and receipt for Federal moneys in its behalf for airport purposes. Such moneys as are paid over by the United States Government shall be paid over to said municipality under such terms and conditions as may be imposed by the United States Government in making such grant.

(c) All contracts for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of airports or other air navigation facilities made by the municipality shall be made pursuant to the laws of this State governing the making of like contracts, *provided, however,* that where such acquisition, construction, improvement, enlargement, maintenance, equipment or operation is financed wholly or partly with Federal moneys the municipality may let contracts in the manner prescribed by the Federal authorities, acting under the laws of the United States and any rules or regulations made thereunder notwithstanding any other State law to the contrary.

SEC. 8. The establishment of airports on waters and reclaimed land.

Airports on waters and reclaimed lands.

(a) The powers herein granted to a municipality to establish and maintain airports shall include the power to establish and maintain such airports in, over, and upon any public waters of this State within the limits or jurisdiction of or bordering on the municipality, any submerged land under such public waters, and any artificial or reclaimed land which before the artificial making or reclamation thereof constituted a portion of the submerged land under such public waters, and as well the power to construct and maintain terminal buildings, landing floats, causeways, roadways and bridges for approaches to or connecting with the airport, and landing floats and breakwaters for the protection of any such airport.

(b) All the other powers herein granted municipalities with reference to airports on land or granted to them with reference to such airports in, over, and upon public waters, submerged land under public waters, and artificial or reclaimed land.

SEC. 9. Joint operations.

Joint operations.

(a) All powers, rights and authority granted to any municipality in this Act may be exercised and enjoyed by two or more municipalities either within or without the territorial limits of either or any of said municipalities and within or without this State, or by any municipality acting jointly with any other municipality therein either within or without this State, *provided* the laws of such other state permit such joint action.

(b) Any two or more municipalities may enter into agreements with each other, duly authorized by ordinance or resolution, as may be appropriate, for joint action pursuant to the provisions of this section. Concurrent action by the governing bodies of the municipalities involved shall constitute joint action.

(c) Each such agreement shall specify its term; the proportionate interest which each municipality shall have in the property, facilities and privileges involved, and the proportion of preliminary costs, costs of acquisition, establishment, construction, enlargement, improvement and equipment, and of expenses of maintenance, operation and regulation to be borne by each, and make such other provisions as may be necessary to carry out the provisions of this section. It shall provide for amendments thereof and for conditions and methods of termination; for the disposition of all or any part of the property, facilities and privileges jointly owned if said property, facilities and privileges, or any part thereof, shall cease to be used for the purposes herein provided or if the agreement shall be terminated, and for the distribution of the proceeds received upon any such disposition, and of any funds or other property jointly owned and undisposed of, and the assumption or payment of any indebtedness arising from the joint venture which remains unpaid, upon any such disposition or upon a termination of the agreement.

(d) Municipalities acting jointly as herein authorized may create a board from the inhabitants of such municipalities for the purpose of acquiring property for establishing, constructing, enlarging, improving, maintaining, equipping, operating and regulating the airports and other air navigation facilities and airport protection privileges to be jointly acquired, controlled, and operated. Such board shall consist of members to be appointed by the governing body of each municipality involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such

time and upon such terms and as to compensation, if any, as may be provided for in the agreement.

(e) Each such board shall organize, select officers for terms to be fixed by the agreement, and adopt and from time to time amend rules of procedure.

(f) Such board may exercise, on behalf of the municipalities acting jointly by which it is appointed, all the powers of each of such municipalities granted by this Act, except as herein provided, subject, however, to such limitations as may be contained in the agreement between such municipalities. Real property, airports, restricted landing areas, air protection privileges, or personal property costing in excess of a sum to be fixed by the joint agreement, may be acquired, and condemnation proceedings may be instituted, only by authority of the governing bodies of each of the municipalities involved. The total amount of expenditures to be made by the board for any purpose in any calendar year shall be determined by the municipalities involved by the approval by each. No real property and no airport, other air navigation facility, or air protection privilege, owned jointly, shall be disposed of by the board, by sale, or otherwise, except by authority of the appointing governing bodies, but the board may lease space, area or improvements and grant concessions on airports for aeronautical purposes or purposes incidental thereto.

(g) Each municipality is authorized and empowered to enact such ordinances as are provided for by this Act, and to fix by such ordinances penalties for the violation thereof, which ordinances shall have the same force and effect within the municipality which enacted them, and on any property controlled by it, either separately or jointly with another municipality, or adjacent thereto, whether within or without the territorial limits of it, or either or any of them, as ordinances of the municipality involved, and may be enforced in such municipality in like manner as are its other ordinances.

(h) Condemnation proceedings may be instituted in the names of two or more municipalities jointly, and the property acquired by such joint condemnation proceedings shall be held by the municipalities as tenants in common, each municipality being entitled to a pro rata interest in said property as the value of its contribution to the acquisition of said property bears to the total cost of acquiring said property, and in the event one municipality desires to acquire property for expansion of or addition to the facilities, and the other or others do not elect to join in the acquisition of such property, such municipality may institute condemnation proceedings in its name individually, and all property now owned or hereafter acquired by a municipal corporation for additions to or expansions of aeronautical facilities

operated jointly shall be and remain the sole property of the municipal corporation acquiring same.

(i) For the purpose of providing funds for necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which each of the municipalities involved shall deposit its proportionate share as provided by the joint agreement, and into which shall be paid the revenues obtained from the ownership, control and operation of the airports and other air navigation facilities jointly controlled.

(j) All disbursements from such fund shall be made by order of the board, subject, however, to such limitations as shall be contained in the agreement between such municipalities.

(k) Specific performance of the provisions of any joint agreement entered into as provided for in this section may be enforced as against any party thereto by the other party or parties thereto.

(l) In the event any property is now held or may hereafter be acquired by two or more municipalities for aeronautical purposes, and such municipalities do not agree upon the terms of an agreement, as heretofore provided, and shall not agree to create a board as heretofore provided, then and in that event a board of not less than five nor more than seven members shall be created from the inhabitants of such municipalities, each municipality being entitled to appoint as nearly as possible the proportionate number of representatives on said board as the value of its contribution shall bear to the entire amount of money or property so held by such municipalities for aeronautical purposes. In determining the value of the contribution of any municipality, the value of any funds or property used for the development of said property or the building of facilities on said property shall be taken into consideration.

(m) The said board shall have all powers given by this Act to boards created by agreements between municipalities, *provided, however,* that any funds appropriated by a municipality and turned over to the board for aeronautical purposes shall only be used for these purposes designated by the municipality furnishing such funds.

(n) The actions of such board shall be determined by a majority vote of the members thereof, and a majority of the members shall constitute a quorum for any meeting of the board, and such boards so created shall have full control of all revenues received by reason of the airport or other aeronautical facilities, and shall have power to expend all sums so received for such aeronautical purposes as the board deems proper, and

pay over any surplus to the municipalities in proportion to their respective interests.

(o) In the event the aeronautical facilities or any part thereof shall cease to be used for aeronautical purposes, such of the facilities as are jointly owned by two or more municipalities shall be sold, and each municipality shall receive its pro rata proportion of the sums realized from the sale of facilities jointly owned.

(p) In the event aeronautical facilities are now owned or hereafter acquired by two or more municipalities, and are operated under a board as hereinabove provided, and one or more of such municipalities deem it advisable to expand or enlarge the facilities or invest more money in such facilities, all of the municipalities then having representation on the board shall be entitled, if they so desire, to contribute their pro rata part of such additional investment and maintain their pro rata representation on said board, *provided, however,* that if one or more of the municipalities involved shall fail to contribute its or their proportionate part of such additional investment, the representation of such municipality on such board shall be readjusted, to the end that the representation of each municipality on said board shall represent as nearly as possible its pro rata contribution to the entire investment.

Provided further that where one municipality at the time of the passage of this Act shall have invested more than one half of the total investment in a jointly owned airport, then, and in that event the minority owner or owners shall be allowed five years from the date of the passage of this Act in which to pay over to the majority owner a sum sufficient to equalize the amount of ownership of the present minority owner or owners with the total ownership of the majority owner. *Provided further* that this Act shall not be construed to amend or impair in any respect contracts or agreements in effect at the time of the adoption of this Act.

Counties.

SEC. 10. Counties—authority specifically granted.

(a) The purposes of this Act are specifically declared to be county purposes as well as generally public, governmental and municipal.

(b) The powers herein granted to all municipalities are specifically declared to be granted to counties in this State, any other statute to the contrary notwithstanding.

SEC. 11. Jurisdicion exclusive.

Jurisdiction exclusive.

(a) Every airport and other air navigation facility controlled and operated by any municipality, or jointly controlled and operated pursuant to the provisions of this Act, shall, subject to

Federal and State laws, rules, and regulations be under the exclusive jurisdiction and control of the municipality or municipalities controlling and operating it, and no other municipality in which such airport or air navigation facility is located shall have any police jurisdiction of the same.

SEC. 12. Separability. Constitutionality.

(a) If any provision of this Act or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

SEC. 13. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 14. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

S. B. 211 CHAPTER 491

AN ACT TO FIX THE SALARY OF THE REGISTER OF DEEDS OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The salary of the Register of Deeds of Iredell County is hereby increased from two thousand five hundred dollars ($2,500.00) to three thousand dollars ($3,000.00) per year, said salary to be paid in equal monthly installments. Fixing salary of Register of Deeds of Iredell County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

S. B. 273 **CHAPTER 492**

AN ACT TO AUTHORIZE THE JUDGE PRESIDING AT ANY TERM OF SUPERIOR COURT IN GUILFORD COUNTY TO ORDER THAT TALES JURORS BE PAID THE SAME COMPENSATION AND MILEAGE AS REGULAR JURORS.

The General Assembly of North Carolina do enact:

Relating to compensation of tales jurors in Guilford County.

SECTION 1. Any judge of the superior court, while holding a term of court, is hereby authorized and empowered, in his discretion, to order and direct the tales jurors, duly summoned and in attendance upon said court, receive the same compensation per day and mileage, as regular jurors receive; and said fees and mileage shall be paid as are the fees and mileage of regular jurors.

Validating compensation previously paid.

SEC. 2. All compensation heretofore paid by the clerk of the superior court to tales jurors at the rates paid regular jurors is hereby validated.

Applies only to Guilford County.

SEC. 3. This Act shall apply to Guilford County only.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

S. B. 326 **CHAPTER 493**

AN ACT PRESCRIBING THE SALARY OF THE MAYOR OF THE TOWN OF AULANDER.

The General Assembly of North Carolina do enact:

Fixing salary of Mayor of Aulander.

SECTION 1. That from and after July first, one thousand nine hundred forty-five, the Mayor of the Town of Aulander shall receive an annual salary, payable in equal monthly installments, of three hundred dollars.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after July first, one thousand nine hundred forty-five.

Ratified this the 10th day of March, 1945.

H. B. 317 CHAPTER 494

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY - ONE HUNDRED AND NINETY OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO PHYSICIAN'S CERTIFICATE OF IMMUNIZATION AGAINST DIPHTHERIA.

The General Assembly of North Carolina do enact:

Amending law relating to immunization against diphtheria.

SECTION 1. Section one hundred and thirty - one hundred and ninety of the General Statutes of North Carolina is hereby amended by striking out the fifth paragraph and inserting in lieu thereof the following: The physician administering the prophylactic diphtheria agent shall submit a certificate to the local health or quarantine officer, and give a copy to the parent, guardian, or person in loco parentis, of the child. *Furthermore,* no principal or teacher shall permit any child to enter a public, private, or parochial school without this certificate or some other acceptable eivdence of immunization against diphtheria; *provided* this Act shall not apply to children whose parent or parents or guardian are bona fide members of a recognized religious organization whose teachings are contrary to the practices herein required, and no certificate for admission to any public, private or parochial school shall be required as to them.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

H. B. 319 CHAPTER 495

AN ACT TO REWRITE SECTION ONE HUNDRED AND THIRTY - ONE HUNDRED AND EIGHTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO REQUIRE THE IMMUNIZATION OF YOUNG CHILDREN AGAINST SMALLPOX.

The General Assembly of North Carolina do enact:

Amending law relating to immunization against smallpox.

SECTION 1. Section one hundred and thirty - one hundred and eighty-three of the General Statutes of North Carolina is hereby amended by rewriting said section to read as follows:

Requiring immunization before entering school.

SEC. 130-183. Immunization against smallpox. (1) All children in North Carolina are required to be immunized against smallpox before attending any public, private, or parochial school.

Parents must have children vaccinated.

(2) A parent, guardian, or person in loco parentis, of any such child not previously immunized, shall present the child to a physician licensed in North Carolina and request the physician to administer the necessary vaccine for immunization against smallpox.

If person unable to have vaccination by private physician, county health officer or physician must render service.

(3) If the person is unable to pay for the services of a private physician, the child may be taken to the county health officer or county physician of the county in which the child resides where such service shall be provided free.

Certificate to parents and health officer.

(4) The physician administering the smallpox vaccine shall submit a certificate to the local health or quarantine officer and give a copy to the parent, guardian, or person in loco parentis, of the child. Forms for the certificate shall be supplied by the State Board of Health.

School must require certificate.

(5) No principal or teacher shall permit any child to enter a public, private or parochial school without the certificate provided for in Subsection (4), or some other acceptable evidence of immunization against smallpox; *provided* this Act shall not apply to children whose parent or parents or guardian are bona fide members of a recognized religious organization whose teachings are contrary to the practices herein required, and no certificate for admission to any public, private or parochial school shall be required as to them.

Exceptions.

(6) If any physician licensed to practice in North Carolina certifies that such vaccination is detrimental to a child's health, the requirements of this section shall be inapplicable until such vaccination is found no longer to be detrimental.

Violation constitutes misdemeanor.

(7) The wilful violation of any part of this section is a misdemeanor punishable by a fine of not more than fifty dollars or by imprisonment for not more than thirty days in the discretion of the court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

H. B. 432

CHAPTER 496

AN ACT TO AMEND SECTIONS ONE HUNDRED AND FORTY-SEVEN - FIFTY-NINE AND ONE HUNDRED AND FORTY-SEVEN - SIXTY OF THE GENERAL STATUTES RELATING TO THE LIMIT ON THE TIME ON WHICH STATE WARRANTS MAY BE PRESENTED FOR PAYMENT.

The General Assembly of North Carolina do enact:

Amending law relating to time within which state warrants might be paid.

SECTION 1. Section one hundred and forty-seven - fifty-nine of the General Statutes of North Carolina is hereby repealed and rewritten to read as follows:

147-59. Warrants to bear limits; presented within sixty days. All warrants drawn by the State Auditor or any State department, or agency, bureau, or commission on the Treasurer, shall bear, and there shall be printed upon the face thereof in plain type so as to be easily read, the following words, to-wit:

Prohibiting payment after 60 days.

"This warrant will not be paid if presented to the Treasurer after the expiration of sixty (60) days from the date hereof"; and the State Treasurer is hereby prohibited from paying any warrant drawn by the State Auditor, or any State department, or agency, bureau, or commission, unless the same shall be presented within sixty days (60) days from the date of such warrant.

SEC. 2. Section one hundred and forty-seven - sixty of the General Statutes of North Carolina is hereby repealed and rewritten to read as follows:

Barred warrant to be surrendered and new warrant issued.

147-60. Surrender of barred warrant; issue of new warrant. Any person, firm, or corporation holding a warrant drawn by the State Auditor which cannot be paid because of the provisions of Sections one hundred and forty-seven - fifty-nine and one hundred and forty-seven - sixty-one may present the same to the issuing State officer, department, agency, bureau, or commission, and upon satisfactory proof that such person, firm, or corporation is the owner thereof and is entitled to have and receive the proceeds of such warrant, and that the obligations from which the warrant is drawn is a subsisting obligation against the State of North Carolina, may surrender said warrant to the issuing State officer, department, agency, bureau, or commission, whereupon the issuing State officer, department, agency, bureau, or commission, is authorized and empowered to issue another warrant for a like amount in lieu thereof.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

H. B. 450 **CHAPTER 497**

AN ACT TO AMEND SECTIONS ONE HUNDRED AND FIFTEEN - THREE HUNDRED AND NINE AND ONE HUNDRED AND FIFTEEN - THREE HUNDRED AND TEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE COMPULSORY SCHOOL ATTENDANCE OF DEAF AND BLIND CHILDREN.

The General Assembly of North Carolina do enact:

Amending law relating to compulsory school attendance of deaf and blind children.

SECTION 1. Section one hundred and fifteen - three hundred and nine of the General Statutes of North Carolina is hereby amended by striking out the word "seven" in line six and inserting in lieu thereof, the word, "six," and striking out the word "seven" in line nine and inserting in lieu thereof, the word "six."

SEC. 2. Amend Section one hundred and fifteen - three hundred and ten of the General Statutes by striking out all of said section after the word "provided (1)" in line nine, and including the figure (2) in line thirteen.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

H. B. 530 CHAPTER 498

AN ACT TO AMEND CHAPTER TWENTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND EIGHT, EXTRA SESSION, RELATING TO THE CHARTER OF THE TOWN OF MIDDLESEX, SO AS TO REDUCE THE MEMBERS OF THE BOARD OF ALDERMEN FROM FIVE TO THREE, AND TO INCREASE THE TAX RATE FROM FIFTY CENTS (50c) TO ONE DOLLAR ($1.00).

The General Assembly of North Carolina do enact:

Amending charter of Middlesex.

SECTION 1. Section three of Chapter twenty-one of the Private Laws of one thousand nine hundred and eight, Extra Session, as amended by Chapter three hundred and fifty of the Private Laws of one thousand nine hundred and thirteen, is hereby amended by changing the word "five" in line two thereof, to read "three."

Increasing tax rate in Middlesex.

SEC. 2. Section four of Chapter twenty-one of the Private Laws of one thousand nine hundred and eight, Extra Session, is hereby amended by changing the words "fifty cents" in line eight, to read "one dollar."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

H. B. 544 CHAPTER 499

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-EIGHT OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN AS AMENDED BY CHAPTER THREE HUNDRED AND TWENTY-EIGHT OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE SALARY OF THE CLERK OF THE MUNICIPAL COURT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Amending charter of High Point relating salary of Clerk of Municipal Court.

SECTION 1. That Section one of Chapter three hundred forty-eight of the Public-Local and Private Laws of one thousand nine hundred and twenty-seven be amended by striking out lines seven, eight and nine and adding in lieu thereof the following: and after July first, one thousand nine hundred and forty-five, shall be fixed by the City Council of the City of High Point with

the approval of the judge of said court provided said salary shall not be less than two hundred dollars ($200.00) a month and not in excess of three hundred dollars ($300.00) a month.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 10th day of March, 1945.

H. B. 595 CHAPTER 500

AN ACT PROVIDING FOR THE ISSUANCE OF SCHOOL BONDS BY THE COUNTY OF CARTERET AND FOR THE LEVY OF A SPECIAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST THEREOF.

The General Assembly of North Carolina do enact:

Providing for issuance of school bonds by Carteret County and authorizing levy of special tax to pay same.

SECTION 1. In any order or resolution passed prior to March first, one thousand nine hundred forty-seven, and pursuant to Article nine of Chapter one hundred and fifty-three of the General Statutes of North Carolina, authorizing or providing for the issuance of bonds of the County of Carteret for the special purpose stated in Section one hundred and fifty-three - seventy-seven, clause (a), of said General Statutes, there shall be incorporated a provision, which shall have the force of contract between the County of Carteret and the holders of said bonds, that a special tax to be designated and known as "Special School Bonds Tax" shall be annually levied on all taxable property in the county and collected, in the same manner as other taxes are levied and collected, sufficient to pay the principal of and interest on said bonds as the same fall due; that the collections of said special tax shall be segregated and accounted for separately from the collections of other taxes and that such collections of said special tax may be supplemented with money derived from sources of revenue other than said special tax, whenever such supplement is not inconsistent with the provisions of law, for the purpose of paying said principal and interest, but such supplement shall not have the effect of or be used for reducing said special tax.

Said bonds can be issued at any time prior to March 1, 1947.

SEC. 2. Bonds of the County of Carteret may be issued at any time prior to March first, one thousand nine hundred forty-seven, for the purpose stated in Section one hundred and fifty-three - seventy-seven, clause (a), of the General Statutes for the maximum aggregate amount of one hundred and fifty thousand dollars, notwithstanding the limitation fixed by Section one hundred and fifty-three - eighty-seven of the General Statutes relating to the net indebtedness for school purposes.

SEC. 3. The powers granted by this Act are granted in addition to and not in substitution for existing powers. This is additional power.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. The provisions of this Act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

H. B. 618 CHAPTER 501

AN ACT RELATING TO THE EMPLOYMENT OF AN ASSISTANT OR DEPUTY CLERK OF THE SUPERIOR COURT AND A DEPUTY REGISTER OF DEEDS IN HERTFORD COUNTY, AND TO FIX THE SALARY OF EACH.

The General Assembly of North Carolina do enact:

SECTION 1. The Clerk of the Superior Court of Hertford County is hereby authorized to appoint an assistant clerk or a deputy clerk as he may see fit, in the manner provided by law, who shall receive a salary of nine hundred dollars ($900.00) per annum, to be paid in twelve equal installments from the general fund of the county; and the Register of Deeds of Hertford County is hereby authorized to employ a deputy register of deeds in the manner provided by law, who shall receive a salary of one thousand and two hundred dollars ($1,200.00) per annum, to be paid in twelve equal installments from the general fund of the county. Authorizing the employing of a deputy clerk of superior court and deputy register of deeds in Hertford County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five. Conflicting laws repealed.

Ratified this the 10th day of March, 1945.

H. B. 671 CHAPTER 502

AN ACT TO PROVIDE FOR THE PAYMENT OF ALL TURNKEY FEES TO THE JAILER OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the effective date of this Act all turnkey fees assessed, taxed in any bill of costs or collected in any manner whatsoever by reason of any person or persons being confined in the common jail of Transylvania Coun- Authorizing payment of turnkey fees to jailer in Transylvania County.

ty shall be paid to the duly appointed jailer of Transylvania County and shall be in addition to any other compensation or fees received by said jailer.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

H. B. 692 CHAPTER 503

AN ACT TO EXTEND THE TERM OF THE JUVENILE COURT JUDGE OF THE CITY AND COUNTY OF DURHAM FROM ONE YEAR TO TWO YEARS.

The General Assembly of North Carolina do enact:

Extending from one to two years term of judge of juvenile court in Durham County.

SECTION 1. That Section one hundred and ten - twenty-two, General Statutes of North Carolina, one thousand nine hundred and forty-three, be and the same is hereby amended as follows:

The "one" in line thirty-two thereof shall be changed to "two," and in line thirty-three thereof an "s" shall be added to the word "year," so that lines thirty-one and thirty-two shall read in part: ". . . shall hold office for the term of two years, and until his successor shall be duly elected. . . ."

SEC. 2. That Section one hundred and ten - forty-four, General Statutes of North Carolina, one thousand nine hundred and forty-three, be and the same is hereby amended as follows:

The words "one year" in line twenty-two of the second paragraph thereof shall be changed to "two years," so that that line shall read in part: ". . . the term of two years, and until their successors. . . ."

Applies only to Durham County.

SEC. 3. That this Act shall apply only to Durham County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

S. B. 178 **CHAPTER 504**

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A HOSPITAL FOR THE TREATMENT OF CHILDREN AFFECTED WITH SPASTIC AILMENTS.

Commission investigated needs for institution to treat spastic ailments.

WHEREAS, in compliance with a request of the Governor of North Carolina, a commission composed of Dr. Lenox D. Baker, Dr. J. S. Gaul, Dr. W. M. Roberts, Dr. Ellen Winston, Honorable Thomas O'Berry, and Honorable George Ross Pou investigated the need of an institution for the treatment of children affected with cerebral palsy (spastic) ailments and has made their report to the Governor, recommending the establishment of such a hospital to be operated separate and distinct from any institution for the treatment of the feeble-minded or insane; and

Over 1000 children in State suffering from spastic ailments.

WHEREAS, it appears from said report that there are over one thousand children in the State suffering from spastic ailments and that the interest of the State would be best served by a hospital being established for the treatment of such cases: Now, therefore,

The General Assembly of North Carolina do enact:

Creating the North Carolina Hospital for Treatment of Spastic Children.

SECTION 1. That an institution, to be known and designated as, "The North Carolina Hospital for Treatment of Spastic Children," is hereby created and such institution is authorized and empowered to accept and use donations and appropriations and do all other things necessary and requisite to be done in furtherance of the purpose of its organization and existence as herein set forth.

Governor to appoint Board of Directors of nine members.

SEC. 2. The Governor shall appoint a board of directors consisting of nine (9) members for said hospital, three of whom shall be appointed for two years, three for four years, and three for six years, who shall hold their office until their successors have been appointed. At the end of the term of office of each of said directors, their successors shall each be named for a term of six years. The Governor shall fill all vacancies occurring by reason of death, resignaton, or otherwise.

Authorizing Board of Directors to acquire lands and erect buildings.

SEC. 3. The board of directors, with the approval of the Governor and the Council of State, is authorized to secure by gift or purchase, suitable real estate within the State at such place as the board may deem best for the purpose, and to erect or improve buildings thereon, for carrying out the purposes of the institution; but no real estate shall be purchased or any commitments made for the erection or permanent improvements of any buildings involving the use of State funds unless and until an appropriation for permanent improvements of the institution is expressly authorized by the General Assembly.

Authorizing operation of hospital in borrowed quarters pending establishment of permanent quarters.

SEC. 4. That in order to provide for the operation of the said institution prior to the time that permanent quarters can be established, the board of directors, with the approval of the Governor and Council of State, is authorized and empowered to enter into an agreement with any other State institution or agency for the temporary use of any State owned property which such other State institution or agency may be able and willing to divert for the time being from its original purpose; and any other State institution or agency, which may be in possession of real estate suitable for the purpose of the North Carolina Hospital for Treatment of Spastic Children upon such terms as may be mutually agreed upon.

Board of Directors to control and manage hospital.

SEC. 5. The board of directors shall have the general superintendence, management, and control of the institution; of the grounds and buildings, officers, and employees thereof; of the patients therein and all matters relating to the government, discipline, contracts, and fiscal concerns thereof; and may make such rules and regulations as may seem to them necessary for carrying out the purposes of the institution. And the board shall have the right to keep, restrain, and control the patients of the institution until such time as the board may deem proper for their discharge under such proper and humane rules and regulations as the board may adopt.

Board to select superintendent.

SEC. 6. The board of directors shall appoint a superintendent of the institution, who shall be a person of professional training and experience in the care and treatment of spastic ailments, and may fix the compensation of the superintendent, subject to the approval of the Budget Bureau, and may discharge the superintendent at any time for cause.

Aims of said Hospital.

SEC. 7. The purpose and aim of the North Carolina Hospital for Treatment of Spastic Children is to treat, care for, train, and educate, as their condition will permit, all spastic children of training age in the State who are capable of being rehabilitated; to disseminate knowledge concerning the extent, nature, and prevention of spastic ailments, and to that end, subject to such rules and regulations as the board of directors may adopt, there shall be received into said hospital, spastic children under the age of twenty-one years when, in the judgment of the board of directors, it is deemed advisable. Application for the admission of a child must be made by the father if the mother and father are living together, and if not, by the one having custody, or by a duly appointed guardian or by the superintendent of any county home or by person having management of any orphanage, association, society, children's home, or other institution for the care of children to which the custody of such child has been committed, in which event the consent of the parents shall not be required.

Board to promulgate rules and regulations.

SEC. 8. The board of directors is hereby authorized and empowered to promulgate rules, regulations, and conditions of admission of patients to the hospital, but in so doing shall not exclude any patient otherwise qualified for admission because of inability to pay for examination and treatment, and all indigent patients otherwise qualified for admission shall be received without regard to their indigent condition when there is space and accommodation available for such patients. The board of directors shall require all patients who are able, including those having persons upon whom they are legally dependent who are able, to pay the reasonable cost of treatment and care and upon their refusal to do so, the said board of directors is authorized and empowered to institute action in the name of the hospital in the county in which it is located for the collection thereof: *Provided*, that if the amount is less than two hundred dollars ($200.00) the said action shall be instituted in the county where the defendent resides.

Relating to discharge of patients.

SEC. 9. Any patient entered in the hospital may be discharged therefrom or returned to his or her parents or guardian when, in the judgment of the directors, it will not be beneficial to such patient or to the best interest of the hospital to be longer retained therein.

Board to make further investigations.

SEC. 10. The board of directors shall further investigate and study the need and requirements for establishing and equipping a hospital for the care and treatment of mentally normal cerebral palsy (spastic) patients and determine the annual per capita cost for the treatment of such patients, and cause to be prepared necessary plans and specifications for providing and equipping a hospital with a capacity of fifty (50) beds. Said board of directors shall present to the next session of the General Assembly such plans and specifications together with its recommendations as to the establisment of such a hospital, including a site for its location. To meet the expense of preparing said plans and specifications and other incidental expenses of the board, there is hereby appropriated out of the Contingency and Emergency Fund of the State such an amount as the Governor and Council of State may consider necessary.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 12. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 198 **CHAPTER 505**

AN ACT TO AMEND SECTION SEVEN - EIGHTY-NINE OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATIVE TO THE COMPENSATION PAID COURT STENOGRAPHERS.

The General Assembly of North Carolina do enact:

Relating to compensation of court stenographer in Cleveland County.

SECTION 1. That Section seven - eighty-nine of the General Statutes of North Carolina, as amended, be and the same is hereby further amended by adding the following at the end of the first paragraph thereof: *Provided, further,* that in Cleveland County the compensation of said stenographers shall be within the discretion of the board of county commissioners.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 222 **CHAPTER 506**

AN ACT TO PROVIDE FOR THE ACQUISITION, ERECTION, REMODELING AND ENLARGEMENT OF COUNTY HOSPITALS, THE ASSUMPTION BY COUNTIES OF CERTAIN HOSPITAL INDEBTEDNESS, THE ISSUANCE OF COUNTY HOSPITAL BONDS AND NOTES, AND PROPERTY TAXATION FOR THE PAYMENT OF SUCH INDEBTEDNESS, BONDS AND NOTES, WITH INTEREST.

The General Assembly of North Carolina do enact:

County Hospital Act.

SECTION 1. This Act shall be known and may be cited as "The County Hospital Act."

Authorizing conveyance of hospitals to counties.

SEC. 2. The governing body of any political subdivision or public hospital corporation or agency in the State is authorized to convey any hospital owned by it to the county in which such political subdivision or public hospital corporation or agency is located, upon such county assuming all outstanding indebtedness of such political subdivision or public hospital corporation or agency which was incurred for the purpose of erecting or purchasing such hospital, and any county is hereby authorized to acquire any such hospital and, subject to the provisions of this section, to assume such indebtedness. The board of commissioners of any such county is hereby authorized and empowered to call an election of the qualified registered voters of the county on the question of the assumption by such county of the outstanding indebtedness of such political subdivision or public

hospital corporation or agency which was incurred for the purpose of erecting or purchasing such hospital, and the levy of a county-wide property tax without limitation as to rate or amount for the payment of the principal of and the interest on such indebtedness. Such election shall be called and conducted in accordance with the laws of North Carolina governing elections for the issuance of county bonds, and it shall be lawful to vote on other matters at such election. If a majority of the qualified registered voters of the county shall vote in favor of such assumption, then it shall be the duty of the board of commissioners of such county to include in the annual county budget beginning with the fiscal year next succeeding such election, a sum sufficient to meet the payment of the principal of and the interest on such indebtedness; *provided, however*, that said board shall have the same power and authority to fund or refund such indebtedness as it has to fund or refund other indebtedness of the county. Taxes levied under the terms of this section are hereby declared to be for a special purpose within the meaning of Section six of Article V of the Constitution of North Carolina, and the levy of such taxes for said special purpose is hereby given the special approval of the General Assembly. Upon the assumption of such indebtedness by the county, all funds on hand for the payment of the principal of and the interest on such indebtedness, and all funds subsequently collected from taxes already levied in such political subdivision on account of such indebtedness, shall be paid over to the county and used to reduce the amount of the county-wide tax levy authorized by such election. Upon approval of the assumption of such indebtedness by the county, such indebtedness shall become, to all intents and purposes, indebtedness of such county; and it is hereby specifically declared that all payments on account of the principal of such indebtedness which shall be made after such assumption shall be construed as a reduction of the outstanding indebtedness of the county within the meaning of Section four of Article V of the Constitution of North Carolina.

Assumption of indebtedness, if approved by vote of people.

SEC. 3. Each county in the State is hereby authorized to erect, remodel, enlarge and purchase hospitals, to finance the same as provided in this Act, and to provide for the operation thereof.

Authorizing counties to purchase, erect and operate hospitals.

SEC. 4. Subject to the approval by the vote of a majority of the qualified registered voters of the county at an election to be called and conducted in accordance with the laws of North Carolina, any county, through its board of commissioners, is hereby authorized and empowered to issue bonds of the county for the special purpose of erecting, remodeling, enlarging or purchasing hospitals, including the acquisition of necessary land and necessary equipment, and to levy property taxes for the payment of such bonds and the interest thereon. Any bonds so voted, and any bond anticipation notes which may be issued to anti-

Referendum on issuance of bonds.

cipate the receipt of the proceeds of such bonds, shall be issued in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended.

Referendum at any general or special election.

SEC. 5. At any election at which the question of assumption by the county of hospital indebtedness pursuant to Section two hereof, or at any election at which the question of issuing bonds of the county pursuant to Section four hereof, shall be submitted to the qualified registered voters of the county, or at any other general or special election, there may be submitted to a vote of the qualified registered voters of such county the question of levying and collecting annually an ad valorem tax for the special purpose of maintaining any such hospital or hospitals from year to year, not greater than five cents on the one hundred dollars assessed valuation of taxable property in the county as shall be determined by the board of commissioners of such county, and if a majority of the qualified registered voters of the county shall vote in favor of levying and collecting such tax, the board of commissioners of such county shall be and hereby is authorized to levy and collect the same. The General Assembly does hereby give its special approval to the levy of the tax for the special purpose referred to in this section.

New registration.

SEC. 6. A new registration shall be ordered for any election to be held under this Act, and the same shall be called and conducted in accordance with the provisions of the laws of North Carolina governing new registrations.

Result of election to be published; and no action to invalidate same can be instituted unless commenced within thirty days.

SEC. 7. The board of commissioners of the county shall prepare a statement showing the number of votes cast for and against each question submitted under the provisions of this Act, and the number of voters qualified to vote in each election at which any one or more of such questions shall be submitted, and declaring the result of the election on each such question, which statement shall be signed by a majority of the members of the board of commissioners and delivered to the clerk of said board, who shall record it in the minutes of the board and file the original in his office and publish it once. No right of action or defense founded upon the invalidity of any such election shall be asserted, nor shall the validity of any such election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of result as provided herein.

Authorizing County Commissioners to select Board of Trustees of three members to manage hospital.

SEC. 8. Should a majority of the qualified registered voters of any county at an election called and held as above provided approve the assumption by the county of hospital indebtedness or the issuance of bonds of the county for the special purpose of erecting, remodeling, enlarging or purchasing a hospital or hospitals, the board of commissioners of the county shall proceed at once to appoint from the citizens of the county three

trustees from each township in which a hospital or hospitals are to be acquired or erected hereunder, and one trustee from each of the remaining townships in the county, such trustees to be chosen with special reference to their fitness for such office. In the event that a hospital is thereafter acquired or erected hereunder in any of said remaining townships the board of commissioners shall thereupon appoint two additional trustees from such township. The trustees so appointed shall constitute a board of trustees for the hospital or hospitals acquired or erected under the provisions of this Act. The first trustees from each township from which there shall be three trustees shall be appointed by the board of commissioners for terms of one, two and three years, respectively. The first trustees from the remaining townships shall be appointed for terms of one, two and three years, respectively, so that the terms of at least one third of the trustees from such remaining townships shall expire each year. As the term of each trustee expires a successor trustee shall be appointed from the same township for a term of three years. Each trustee shall serve until his or her successor is appointed and qualified. No trustee shall succeed himself or herself. Any vacancy in the board of trustees shall be filled by the board of commissioners of the county for the unexpired term.

Plans for management.

SEC. 9. The trustees shall, within ten days after their appointment, qualify by taking the oath of civil officers and organize as a board of hospital trustees by the election of one of their number as chairman, and by the election of such other officers and committees as they shall deem necessary, including a treasurer for each hospital under the jurisdiction and control of such board, but none of such officers except the hospital treasurers shall be required to give bond. Each hospital treasurer shall give a bond in such amount as shall be fixed by the board of commissioners of the county, and shall receive such compensation, payable solely from hospital income, as shall be determined by the board of hospital trustees. The treasurer for each hospital shall receive all income of such hospital, including all moneys paid for the use of the facilities and services thereof, and shall pay out the same and account therefor as directed by the board of hospital trustees. He shall make a monthly report of his receipts and disbursements to the board of commissioners of the county and the board of hospital trustees. An annual audit shall be made of the receipts and disbursements of each hospital by a certified public accountant selected by the board of commissioners of the county and copies of such audit shall be furnished the board of commissioners of the county and the board of hospital trustees, and a condensed copy of such audit shall be published in a newspaper of general circulation in the county. No trustee shall receive any compensation for services performed by him but he may receive reimbursement, from such hospital funds as the board of hospital trustees shall determine,

for any cash expenditures actually made for personal expenses incurred as such trustee, and an itemized statement of all such expenses and moneys paid out shall be made under oath by each of such trustees and filed with the board of hospital trustees and allowed by the affirmative vote of all the trustees present at any meeting of the board.

Board of Trustees to adopt by-laws, rules and regulations.

SEC. 10. The board of hospital trustees shall make and adopt such bylaws, rules, and regulations for their own guidance and for the government of the hospital or hospitals under their jurisdiction and control as may be deemed expedient for the economic and equitable conduct and operation thereof, not inconsistent with this Act or the ordinances of the city or town wherein such hospital or hospitals shall be located. The board of hospital trustees shall have the exclusive control of the expenditure of all moneys provided pursuant to the provisions of this Act for the purpose of erecting, remodeling, enlarging, or purchasing hospitals, including the acquisition of necessary land and necessary equipment, and all moneys collected through the operation of such hospitals and all moneys provided for the maintenance and operation thereof, but no moneys provided for the payment of the hospital indebtedness of the county shall be subject to the control of such hospital board.

Appointment of superintendent and other personnel.

SEC. 11. The board of hospital trustees shall have power to appoint suitable superintendents or matrons, or both, and necessary assistants, and to fix their compensation, and shall also have power to remove such appointees, and such board shall in general carry out the spirit and intent of this Act in establishing and maintaining a county hospital or hospitals, with equal rights to all and special privileges to none.

Meetings and operations.

SEC. 12. The board of hospital trustees shall hold meetings at least once every three months, and shall keep a complete record of all its proceedings. A majority of the members of the board shall constitute a quorum for the transaction of business. At least two of the trustees shall visit and examine the hospital or hospitals at least twice each month. The board of hospital trustees shall, during the first week in January of each year, file with the board of commissioners of the county a report of its proceedings with reference to such hospital or hospitals, and a statement of all receipts and expenditures during the year, and shall at such times certify the amount necessary in its opinion to maintain and improve each hospital for the ensuing year. No trustee shall have a personal pecuniary interest, either directly or indirectly, in the purchase of any supplies for any county hospital, unless the same are purchased by competitive bidding.

Finances.

SEC. 13. All moneys received for the credit of each hospital shall be deposited by the hospital treasurer in a special fund for such hospital, and shall be paid out only upon warrants drawn

by such hospital treasurer or other proper officer designated by the board of hospital trustees upon due authorization by such board.

Condemnation proceedings.

SEC. 14. If the board of hospital trustees and the owners of any property desired by the board for hospital purposes cannot agree as to the price to be paid therefor, the board shall report the fact to the board of commissioners of the county, and condemnation proceedings shall be instituted by such board of commissioners and prosecuted in the name of the county under the provisions of law for the condemnation of land for railroads.

Plans for buildings.

SEC. 15. No hospital buildings shall be erected, remodeled or enlarged until the plans and specifications have been made therefor and adopted by the board of hospital trustees, and bids advertised for according to law for other county buildings.

Donations and gifts.

SEC. 16. Any person, firm, corporation or society desiring to make donations of money, personal property, or real estate for the benefit of any hospital acquired or erected hereunder shall have the right to vest title to the property so donated in the county, to be controlled, when accepted, by the board of hospital trustees according to the terms of the deed, gift, devise or bequest of such property.

Charges for treatment.

SEC. 17. Every hospital acquired or constructed under this Act shall be for the benefit of the inhabitants of the county and of any person falling sick or being injured or maimed within the limits of the county; but every person using the facilities or services of any such hospital who is not a pauper shall pay a reasonable compensation for occupancy, nursing, care, medicine, or attendance, according to the rules and regulations prescribed by the board of hospital trustees, such hospital or hospitals always being subject to such reasonable rules and regulations as the board may adopt for the purpose of rendering the use of such hospital or hospitals of the greatest benefit to the greatest number. The board of hospital trustees may exclude from the use of any such hospital all persons who shall wilfully violate such rules and regulations. Such board may extend the privileges and use of any such hospital to persons residing outside of the county upon such terms and conditions as may be prescribed from time to time by its rules and regulations.

Application of rules.

SEC. 18. When such hospital or hospitals are established as county public hospitals the physicans, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of the same, and all furniture and other articles used therein or brought thereto, shall be subject to such rules and regulations as the board of hospital trustees may prescribe.

Board to determine rules for practice of physicians in hospital.

SEC. 19. The board of hospital trustees shall determine the conditions under which the privileges of practice within the

hospitals under its jurisdiction and control shall be available to physicians, and the board shall promulgate reasonable rules and regulations governing the conduct of physicians and nurses while on duty in said hospitals.

Training school for nurses.

SEC. 20. The board of hospital trustees may establish and maintain, in connection with and as a part of any hospital under its jurisdiction and control, a training school or training schools for nurses.

Powers herein additional not restrictive.

SEC. 21. The powers granted by this Act are in addition to and not in substitution for existing powers of counties in the State of North Carolina.

Validating certain elections.

SEC. 22. All elections heretofore called or held for the issuance of county hospital bonds and all elections heretofore held for levying and collecting annually an ad valorem tax for the special purpose of maintaining county hospitals, which could have been held under the provisions of this Act had the same then been in effect and operation, are hereby ratified, approved and confirmed, and all county hospital bonds heretofore issued pursuant to any such election are hereby ratified, approved and confirmed.

Constitutionality.

SEC. 23. If any part of this Act shall be held unconstitutional, the parts not unconstitutional shall remain in force, and the unconstitutional part shall be regarded as exscinded.

SEC. 24. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 236 CHAPTER 507

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-SEVEN OF THE PRIVATE LAWS OF THE STATE OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATIVE TO THE SALARY OF THE JUDGE OF THE CITY COURT OF RALEIGH.

The General Assembly of North Carolina do enact:

Increasing salary of judge of city court of Raleigh from $4000.00 to $4500.00.

SECTION 1. That Section two of Chapter one hundred and twenty-seven of the Private Laws of the State of North Carolina, Session one thousand nine hundred and twenty-nine, be amended by striking out the words "four thousand dollars" in line nine and ten of said Section two and in lieu thereof inserting the words "four thousand five hundred dollars" and striking out the figures of "$4,000.00" in line eleven of said Section two, Chapter one hundred and twenty-seven, of the Private Laws

of the State North Carolina, one thousand nine hundred and twenty-nine, and inserting in lieu thereof the figures "$4,500.00."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 13th day of March, 1945.

S. B. 238 CHAPTER 508

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF COUNTY COMMISSIONERS OF ROCKINGHAM COUNTY TO REGULATE THE SALARIES OF THE CLERK OF THE SUPERIOR COURT, ASSISTANT CLERK OF THE SUPERIOR COURT AND REGISTER OF DEEDS, AND TO EMPLOY AND REGULATE THE SALARIES OF DEPUTIES CLERK OF THE SUPERIOR COURT AND OTHER CLERICAL EMPLOYEES IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT: TO EMPLOY AND REGULATE THE SALARIES OF DEPUTIES REGISTER OF DEEDS AND OTHER CLERICAL EMPLOYEES IN THE OFFICE OF THE REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

Authorizing Commissioners of Rockingham County to fix salary of clerk of superior court, assistant clerk and register of deeds.

SECTION 1. The Board of County Commissioners of Rockingham County is hereby empowered, in its discretion, to increase, decrease, and in any manner regulate and set the salary of the Clerk of the Superior Court, Assistant Clerk of the Superior Court and Register of Deeds of Rockingham County.

Authorizing employment of one or more deputies clerk of superior court.

SEC. 2. The Board of County Commissioners of Rockingham County is hereby empowered, in its discretion, to provide for the employment of one or more deputies clerk of the superior court, and such other clerical assistants as it may deem proper, and to fix and regulate the salaries therefor, to be paid from the general fund of the county.

Authorizing employment of one or more deputies register of deeds.

SEC. 3. The Board of County Commissioners of Rockingham County is hereby empowered, in its discretion, to provide for the employment of one or more deputies register of deeds, and such other clerical assistants as it may deem proper, and to fix and regulate the salaries therefor, to be paid from the general fund of the county.

These are additional powers.

SEC. 4. That this power herein granted shall be in addition to all other powers or provisions for salaries now provided by law for the operation and maintenance of the offices of the Clerk

of the Superior Court of Rockingham County and Register of Deeds of Rockingham County.

Authorizing county to pay premiums on bonds of clerk, registrar and their deputies.

SEC. 5. That the county commissioners shall pay the premium on all bonds required of the clerk of the superior court, register of deeds, their assistants or deputies or other employees, which bonds are conditioned upon their faithful performance of their duties.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 246 CHAPTER 509

AN ACT TO AMEND THE LAW RELATING TO THE MUNICIPAL-COUNTY COURT OF THE CITY OF KINSTON AND COUNTY OF LENOIR.

The General Assembly of North Carolina do enact:

Relating to transfer to superior court of Lenoir County criminal cases in Municipal-County Court at Kinston when defendant or State demand jury trial.

SECTION 1. In all criminal cases pending and originating in the Municipal-County Court of the City of Kinston and County of Lenoir, upon demand for a trial by jury made on behalf of either the defendant or the State, except in cases of petty misdemeanors, the judge of said court shall immediately transfer such case to the Superior Court of Lenoir County for trial, and the defendant shall thereupon be required to execute a new and justified bond in such amount as may be named by the judge of said municipal-county court for the defendant's appearance at the next term of the Superior Court of Lenoir County for the trial of criminal cases.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 251 CHAPTER 510

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND THIRTY-SIX PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-THREE RELATING TO FEES OF THE COURT REPORTER FOR CATAWBA COUNTY, AND FIXING THE COMPENSATION OF THE COURT REPORTER FOR CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to compensation of court reporter for superior court of Catawba County.

SECTION 1. That the Court Reporter for the Superior Court of Catawba County shall receive as compensation for reporting the courts of Catawba County the sum of forty dollars ($40.00) for each of the following twelve weeks of court scheduled to be held in said county, January two weeks, February two weeks, May two weeks, July two weeks, September two weeks, November two weeks. That if the April term and December special term, or any other special term of court is held, said court reporter shall receive the same compensation for each such week as is provided for each regular week of court herein set forth. That in addition to the compensation herein provided, the court reporter shall be paid the sum of three dollars and fifty cents ($3.50) per day as an allowance for expenses for each day the court is actually held.

SEC. 2. That Chapter two hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and thirty-three is hereby repealed.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 261 CHAPTER 511

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-TWO OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, TO INCREASE SALARIES OF DEPUTY SHERIFFS OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and sixty-two of the Session Laws of one thousand nine hundred and forty-three be, and the same hereby is, amended by striking out Section three thereof and inserting the following:

Relieving Sheriff of Edgecombe County from duty to collect taxes, fixing salary of Sheriff and authorizing him to employ three deputies.

SEC. 3. That the Sheriff of Edgecombe County shall have no duty, power or obligation in reference to the collection of taxes, but shall continue to discharge the other duties of the office as now provided by law. The sheriff shall receive as compensation for his services the monthly salary of three hundred dollars ($300.00), and all fees and commissions which are not allowed or may hereafter be allowed for services not connected with the collection of taxes. The said sheriff is hereby authorized and empowered, in his discretion, to appoint three deputies who shall receive a monthly salary of not to exceed two hundred and twenty-five dollars ($225.00) each, to be paid from the general fund of Edgecombe County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 266 CHAPTER 512

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF ALAMANCE COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF THE COUNTY FARM AGENT AND THE COUNTY HOME DEMONSTRATION AGENT.

The General Assembly of North Carolina do enact:

Authorizing Alamance County to levy special taxes for county farm agent and home demonstration agent.

SECTION 1. The Board of Commissioners of Alamance County is hereby authorized and empowered to levy a tax on all taxable property of said county not exceeding three cents on each and every one hundred dollars valuation, for the necessary special purpose of paying the salary of the county farm agent, and the necessary expenses of his office, and expenses incident to the performance of his duties as such county farm agent, and for the special purpose of paying the salary of the county home demonstration agent and the necessary expenses incident to her office and incident to the performance of her duties as such county home demonstration agent, in addition to any tax allowed by general or local statutes for the above enumerated purposes.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 279 **CHAPTER 513**

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Fixing compention of Commissioners of Halifax County.

SECTION 1. That as compensation for their services on the Board of County Commissioners of Halifax County, the members thereof, with the exception of the chairman, shall receive the sum of seven dollars and fifty cents ($7.50) per diem for each day spent in the discharge of their official duties, and in addition thereto, such members shall receive travel allowance at the rate of five cents (5c) per mile while traveling on official business of the board from their respective homes to the place of meeting of the board and return, said distance to be computed by the usual route of public travel.

Fixing compensation of Chairman of Board of Commissioners.

SEC. 2. That in lieu of the compensation set forth above for other members of the board, the Chairman of the Board of County Commissioners of Halifax County shall receive a monthly salary of fifty dollars ($50.00), together with travel allowance at the rate of five cents (5c) per mile while traveling on official business of the board from his home to the place of meeting of the board and return. Said distance to be computed by the usual route of public travel.

Applies only to Halifax County.

SEC. 3. That this Act shall apply only to Halifax County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 280 **CHAPTER 514**

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE HALIFAX COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Fixing compensation of Board of Education of Halifax County.

SECTION 1. That as compensation for their services on the Halifax County Board of Education the members thereof shall receive the sum of seven dollars and fifty cents ($7.50) per diem for each day spent in the discharge of their official duties, and in addition thereto, such members shall receive travel allowance at the rate of five cents (5c) per mile while traveling on official

business of the board from their respective homes to the place of the meeting of the board and return, said distance to be computed by the usual route of public travel.

Applies only to Halifax County.

SEC. 2. That this Act shall apply only to Halifax County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 281 **CHAPTER 515**

AN ACT TO FIX THE SALARY AND ALLOWANCES FOR THE CLERK OF THE SUPERIOR COURT OF STOKES COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of Clerk of Superior Court of Stokes and authorizing him to appoint an assistant clerk.

SECTION 1. That the Clerk of the Superior Court of Stokes County shall receive for the performance of his duties as clerk a salary of two thousand four hundred ($2,400.00) dollars per annum, payable monthly. In addition to said salary, the Clerk of the Superior Court of Stokes County shall receive the sum of three hundred ($300.00) dollars per annum, payable monthly, as compensation for the performance of his duties as judge of the juvenile court. Said clerk is hereby authorized and empowered to employ an assistant clerk of the court who shall receive a salary of one thousand six hundred ($1,600.00) dollars per annum, payable monthly.

Conflicting laws repealed.

SEC 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 292 **CHAPTER 516**

AN ACT AUTHORIZING COUNTIES OF ONE HUNDRED THOUSAND POPULATION OR OVER TO PROVIDE HOSPITAL FACILITIES FOR THE SICK AND AFFLICTED POOR OF THE COUNTY IN CONJUNCTION WITH A CITY IN ITS BORDERS HAVING SEVENTY-FIVE THOUSAND POPULATION OR OVER, AND TO LEVY A TAX THEREFOR BY SUCH COUNTY AND CITY AND TO CREATE A COMMISSION TO ADMINISTER SUCH FACILITIES.

The General Assembly of North Carolina do enact:

Authorizing counties having one hundred thousand population or more and cities having seventy-five thousand population or more to provide hospital care for the poor.

SECTION 1. Authority is hereby granted to the board of commissioners of any county in the State now or hereafter having a population of one hundred thousand or over and a city within its borders now or hereafter having a population of seventy-five thousand or over to provide adequate hospital facilities for the care of the sick and afflicted poor of such county. The exercise of the authority hereby granted through the contracts herein referred to, and the appropriations and taxes for the construction, installation, and maintenance of such facilities are hereby declared to be for necessary expenses and for a special purpose within the meaning of the Constitution of North Carolina and for which the special approval of the General Assembly of North Carolina is hereby given, and shall be valid and binding without a vote of the majority of the qualified voters of the county, and are expressly exempted and excepted from any limitation, condition or restriction prescribed by the County Fiscal Control Act and Acts amendatory thereof. The full faith and credit of any such county shall be deemed to be pledged for the payment of the amounts due under said contracts and the special approval of the General Assembly of North Carolina is hereby given to the execution thereof and to the lavy of a special ad valorem tax not to exceed ten cents (10c) on the one hundred dollars ($100.00) value of property, in addition to other taxes for general purposes authorized by law, for the special purpose of the payment of the amounts to become due thereunder. The board of aldermen of any such city is also authorized to levy, for the purposes herein provided, a special ad valorem tax not to exceed ten cents (10c) on the one hundred dollars ($100.00) value of property, in addition to other taxes for general purposes authorized by law. The term "Board of Aldermen," as used in this Act, shall be deemed to include any governing body of any municipality coming within the provisions of this Act by whatever name designated.

No referendum required.

Action by agreement between County Commissioners and governing body of city.

SEC. 2. The authority hereby granted shall be exercised only by agreement between the board of commissioners of the county and the board of aldermen of the city upon a plan of hospital

care for the sick and afflicted poor of the county as herein provided. Such plan shall be embodied in a resolution, adopted by a majority vote of each board before becoming effective, and may be enlarged, diminished or altered from time to time by a majority vote of each board not inconsistent herewith. The plan shall provide for (a) the time when it shall become effective, (b) the election of a city-county hospital commission to administer the hospitals covered by the plan, (c) the respective financial obligations of the county and the city with respect to the construction of any hospitals covered by the plan and the operation of any hospitals covered by the plan, and (d) such other arrangements, provisions, and details as may be deemed necessary, requisite or proper to provide adequate hospital facilities for the sick and afflicted poor of the county.

Powers and regulations.

SEC. 3. If the governing bodies of any such county and city deem it advisable to include within the plan any existing municipal hospital or any new hospital which the city proposes to erect with the proceeds of a bond issue approved by the registered voters thereof, then in that event, the commissioners of such county are authorized to contract with the city for the construction of additional hospital facilities, over and above those to be paid for by the city with the funds derived from such bond issue and from other sources, for the hospitalization of the sick and afflicted poor of the county upon such terms and conditions as may be agreed upon and embodied in said plan by the governing bodies of the county and the city, provided the annual payments by the county to the city toward the cost of constructing such additional hospital facilities shall not exceed fifteen per cent of the total cost thereof, and provided further that the annual deficit, if any, in the operation of such hospital or in the operation of any other hospital covered by the plan for the treatment of the sick and afflicted poor of the county shall be borne and paid by the city and county in such proportion as may be agreed upon by their governing bodies. In no event shall the annual payment of the city exceed two thirds of such annual deficit. In the event a new hospital is constructed as hereinbefore provided, it shall be located within the corporate limits of the city, and the name of the hospital and the site selected and all contracts for the construction thereof shall be approved by a majority vote of the governing boards of the city and county meeting in joint session, each body voting as a unit, but in the event of disagreement the majority vote of the board of aldermen of the city shall prevail. One third of all beds in the hospitals covered by the plan shall be reserved for the treatment of the indigent sick.

City-County Hospital Commission.

SEC. 4. City-County Hospital Commission. Following the adoption of the agreement covering a plan of hospitalization for the sick and afflicted poor of the county, the county commissioners and the governing board of the city shall meet in a joint

session in the county court house and elect a city-county hospital commission, to be composed of nine members, six of whom shall be residents of the city and three of whom shall be residents of other sections of the county. Three members of the commission shall be elected to serve for a term of two years, three for a term of four years, and three for a term of six years, and thereafter three members shall be elected biennially for a term of six years. Vacancies from any cause shall be filled by the two governing bodies meeting in joint session.

The mayor of the participating city shall be chairman and the chairman of the board of commissioners of the county shall be vice chairman. At the first meeting, the commission shall elect a secretary who need not be a member of the commission. The commission shall meet at least once a month and special meetings may be called by the chairman at such other times as he may designate. It shall be the duty of the chairman to call a special meeting of the commission upon written request of a majority of the members thereof. The secretary shall keep written minutes of all meetings of the commission and report to the governing bodies. The members of the commission shall serve without compensation.

The city-county hospital commission shall make recommendations to the county commissioners of the county and the board of aldermen of the city regarding the operation of any hospital covered by the city-county hospital plan or system and shall discharge such other duties as the county commissioners of the county and the board of aldermen may impose upon the commission. In addition, such commission shall have all powers and discharge all duties now vested in any hospital commission of any such city by the ordinances or charter thereof not inconsistent herewith.

Not later than June first of each year the city-county hospital commission shall prepare and submit to the governing bodies of the county and city a proposed budget for the operation and maintenance of each hospital covered by the plan agreed upon by the governing bodies of the city and county. On or before June fifteenth of each year, the county commissioners and the board of aldermen shall adopt in a joint meeting the budget under which the several hospitals covered by the plan shall operate during the next fiscal year.

Superintendent of Hospitals.

SEC. 5. Superintendent of Hospitals. At a joint meeting of the board of commissioners and the board of aldermen, at which the city-county hospital commission is elected, there shall also be elected a superintendent of hospitals to serve for a term of twelve months. The compensation of the superintendent and of the personnel of the several hospitals covered by the plan shall be fixed by the commissioners of the county and the board of alder-

men of the city in a joint meeting. The superintendent shall be subject to removal by the commissioners and by the board of aldermen at will in joint meeting, provided two thirds of the membership of both boards vote in favor of such removal.

The superintendent of hospitals shall have supervision of the operation of the hospitals covered by the plan and shall have the powers now prescribed by the ordinances of the city and he shall likewise enforce all rules and regulations prescribed by the governing bodies of the county and the city.

Revenue.

SEC. 6. Revenue. The board of commissioners of the county and the board of aldermen of the city are hereby respectively authorized and empowered to levy a tax on property in addition to other taxes for general purposes, not to exceed ten cents (10c) on the one hundred dollars ($100.00) value of property annually, to provide hospital care for the sick and afflicted poor of the county and the city. All revenue so derived shall be carried by each governing body as a separate fund and expenditures for such purpose shall be charged respectively against such fund. Other revenues received from the operation of the hospitals covered by the plan shall be carried in the same funds. The funds of the county and the city for the operation and maintenance of such hospital facilities shall be applied by the governing bodies toward the payment of any annual deficit arising from the treatment of the sick and afflicted poor in any of the hospitals covered by the plan agreed upon by the governing bodies, subject to the limitations hereinbefore provided, and shall be disbursed by the finance officer of the city on vouchers approved by the superintendent of hospitals, provided appropriations for such expenditures have been made and a sufficient balance is available. All purchases shall be made through the purchasing department of the city. The portion of the funds charged to the county shall be paid not later than thirty days from the close of each fiscal year to the finance officer of the city, to be applied as hereinbefore provided.

The governing bodies of the county and city meeting in joint session shall set aside each year out of the hospital plan revenues a sum not to exceed ten per cent of the original cost of the hospital plants covered by the plan, including land, buildings and equipment, for future expansion and modernization of building and appurtenances, the funds so set aside to be deposited with the sinking fund commission of the city and kept separate by it from other funds handled by it, and the investments of such funds to be governed by the laws pertaining to the city sinking funds. The expenditure of all or any part of said accumulated funds shall be made upon recommendation of the city-county hospital commission to both governing bodies, meeting in joint session.

In anticipation of the annual payments to be made by the county toward the cost of constructing the additional facilities hereinbefore referred to, the city is authorized to advance such additional funds and if necessary to issue its short-term securities for that purpose. If such short-term securities are issued by the city, interest thereon shall be paid by the county.

Constitutionality.

SEC. 7. If any provision of this Act or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect any other provision or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws and all provisions of the charter of any participating city or clauses of such charter provisions in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 294 CHAPTER 517

AN ACT TO AMEND SECTION TWO - TWENTY-EIGHT OF THE GENERAL STATUTES, IN SO FAR AS THE SAME APPLIES TO JOHNSTON COUNTY, SO AS TO CHANGE THE FEES ALLOWED THEREIN FOR THE PROBATE AND REGISTRATION OF FEDERAL CROP LIENS AND CHATTEL MORTGAGES.

The General Assembly of North Carolina do enact:

Changing fees for probate and registration of federal crop liens in Johnston County.

SECTION 1. Section two - twenty-eight of the General Statutes, in so far as the same applies to Johnston County, is hereby amended by changing the word "twenty-five" in line fourteen to the word "ten"; and by changing the word "fifty" in line seventeen to the word "sixty-five."

Fixing said fees for Johnston County.

SEC. 2. The collection of a fee of ten cents (10c) by the Clerk of the Superior Court of Johnston County for the probate of a Federal crop lien or chattel mortgage, referred to in Section two - twenty-eight of the General Statutes, and the collection of a fee of sixty-five cents (65c) for the registration of a Federal crop lien or chattel mortgage by the Register of Deeds of Johnston County, referred to in Section two - twenty-eight of the General Statutes, at any time prior to the ratification of this Act, are hereby validated and given the same force and effect as though such authority had first been given at such times of collection.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 307 CHAPTER 518

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND SEVENTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE WHICH IS AN ACT TO DISTRICT WILKES COUNTY FOR THE PURPOSE OF THE NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS, AND TO PROVIDE FOR ELECTION OF COUNTY COMMISSIONERS IN WILKES COUNTY UNDER THE PROVISIONS OF SECTION ONE HUNDRED AND FIFTY-THREE - FOUR OF THE GENERAL STATUTES OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

The General Assembly of North Carolina do enact:

Repealing 1939 Act relating to election of Commissioners in Wilkes County.

SECTION 1. Chapter four hundred and seventeen of the Public-Local Laws of one thousand nine hundred and thirty-nine, providing that Wilkes County be divided into three districts for the nomination and election of the board of county commissioners, is hereby repealed.

Said Commissioners to be elected as provided under General Statutes.

SEC. 2. From and after the ratification of this Act, the members of the Board of County Commissioners of Wilkes County shall be elected under the provisions of Section one hundred and fifty-three - four of the General Statutes of one thousand nine hundred and forty-three.

Applies only to Wilkes County.

SEC. 3. This Act shall apply to Wilkes County only.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 322 **CHAPTER 519**

AN ACT TO PROVIDE FOR A SPECIAL ELECTION FOR THE ISSUANCE OF BONDS BY THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY TO FINANCE THE BUILDING AND EQUIPPING OF A PUBLIC LIBRARY BUILDING; AND FOR SPECIAL ANNUAL TAX LEVIES BY SAID CITY AND COUNTY FOR THE MAINTENANCE AND SUPPORT OF PUBLIC LIBRARIES.

The General Assembly of North Carolina do enact:

Providing for referendum in Charlotte and Mecklenburg County on issuance of bonds for public library.

SECTION 1. That the Governing Body of the City of Charlotte and the Board of County Commissioners of Mecklenburg County, may by majority vote of each body, after thirty days notice at the courthouse door and publication in one or more newspapers published in the City of Charlotte, order a special election at such time as said governing bodies may fix, to determine the will of the people of said city and county as to whether the governing board of said city shall issue the city's bonds, in a sum not exceeding three hundred thousand dollars ($300,000.00) and to provide for the payment of the principal and interest thereon, and as to whether the said board of county commissioners shall issue the county's bonds in a like sum not exceeding three hundred thousand dollars ($300,000.00) and to provide for the payment of the principal and interest thereon, for the purpose of erecting and equipping a public library building or buildings for said city and county, and acquiring such real and personal property as may be useful or necessary for such purposes.

Referendum on special tax levy for public library.

SEC. 2. That in the event the Governing Body of the City of Charlotte and the Board of County Commissioners for Mecklenburg County shall order a special election as set out in Section one hereof, then in said election the will of the people of the City of Charlotte shall also be determined as to whether or not the said Governing Body of the City of Charlotte shall levy a special annual tax not to exceed five cents on each one hundred dollars of the assessed value of real and personal property taxable in the City of Charlotte for maintenance and support of the Public Library of Charlotte and Mecklenburg County; and in the same election the will of the people of Mecklenburg County as a whole shall be determined as to whether or not the board of county commissioners of said county shall levy a special annual tax in a like amount not to exceed five cents on each one hundred dollars of the assessed value of real and personal property taxable in the County of Mecklenburg for maintenance and support of said Public Library of Charlotte and Mecklenburg County.

New registration for proposed election.

SEC. 3. That in the event a special election is called as herein provided there shall be a new and special registration of the qualified voters of said city and county for such election, and notice of such new registration shall be deemed sufficiently given by publication once in a newspaper published in said city at least thirty days before the close of the registration books. The published notice of registration shall state the days on which the books will be open for registration of voters at the places at which they will be open on Saturdays, and the names of the polling places. It shall be sufficient notice of the election if such notice is published thirty days before the election. The books of such new registration shall open on the fourth Saturday before the election day and close on the second Saturday before the election day. The Saturday immediately before the election day shall be "Challenge Day."

Regulations for proposed election.

SEC. 4. The said special election, if called shall be held under the control and supervision of the Mecklenburg County Board of Elections, and at said special election, said election board shall cause to be placed at each voting precinct in the City of Charlotte and Mecklenburg County a ballot box marked "Construction and Maintenance of Public Library." That at said election, all voters of the city and county who are dully qualified electors and who have duly registered for such election may vote in said special election. Each of said voters in the City of Charlotte, when he or she comes to the polling place to vote, shall be supplied by the election officials with a ballot on which the form of the question shall be in substantially the words "For City and County Library Bonds and Tax" and "Against City and County Library Bonds and Tax"; and each of the voters in the county outside the City of Charlotte, when he or she comes to the polling place to vote, shall be supplied by the election officials with a ballot on which the form of the question shall be in substantially the words "For County Library Bonds and Tax" and "Against County Library Bonds and Tax." In each instance said alternates shall appear, separated from each other, on one ballot containing, opposite, and to the left of each alternate, squares of appropriate size, in one of which squares the voter may make a mark "X" to designate the voter's choice, for or against, such issuance of bonds and tax levy. Such ballots shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election.

If majority of voters of Charlotte and majority of voters of Mecklenburg County approve issuance of bonds and special tax levy for public library, the bonds will be sold and special taxes will be levied.

SEC. 5. If a majority of the qualified voters in the entire county shall approve the issue of the bonds and the levy of the tax by the county and also if a majority of the qualified voters within the city shall approve the issue of the bonds and the levy of the tax by the city, then the Governing Body of the City of Charlotte shall cause bonds of the city to be issued and sold in the amount previously determined and pledge faith and credit

of the city to their payment as to both principal and interest as the same may become due and shall thereafter annually levy and collect an ad valorem tax to pay the principal and interest of the said bonds as same shall become due; and the said governing body of the city shall thereafter levy annually and collect an ad valorem tax in an amount not exceeding the amount authorized by said election, on each one hundred dollars ($100.00) of the assessed valuation of the real and personal property taxable in the City of Charlotte and pay the same monthly as collected to the Treasurer of the Public Library of Charlotte and Mecklenburg County for maintenance purposes; and the board of county commissioners shall cause bonds of the county to be issued and sold in the amount previously determined and pledge the faith and credit of the county to their payment as to both principal and interest as the same may become due and shall thereafter levy annually and collect an ad valorem tax to pay the principal and interest of the said bonds as same shall become due; and the said board of county commissioners shall thereafter levy annually and collect an ad valorem tax, in an amount not exceeding the amount authorized by said election, on each one hundred dollars ($100.00) of the assessed valuation of the real and personal property taxable in said county and pay the same monthly as collected to the Treasurer of the Public Library of Charlotte and Mecklenburg County for maintenance purposes; *provided, however,* that the City of Charlotte and Mecklenburg County shall each pay and contribute an equal amount towards the maintenance, operation and upkeep of such library or libraries and to that end the maintenance tax levied by each of said taxing units each year shall be limited to such amount as will provide and produce one half of such costs.

Relating to library facilities and properties of said city and county.

SEC. 6. All real and personal property the title to which is now vested in the corporation now or formerly known as "The Charlotte Carnegie Public Library" and/or the City of Charlotte and which is now used in the operation of the Public Library System of Mecklenburg County and the City of Charlotte shall be vested in the said public library corporation; *provided* that in the event a majority of the qualified voters of the City of Charlotte and a majority of the qualified voters of Mecklenburg County approve the issuance of bonds and levy of tax by said county and city as herein provided for, then in that event no such property shall be sold, encumbered, conveyed or otherwise disposed of except pursuant to resolutions adopted at a joint meeting of the Board of County Commissioners of Mecklenburg County and the Governing Body of the City of Charlotte and in the event any such property shall thereafter be sold, the proceeds of any such sale shall be used and applied for the following purposes and none other, to-wit: the purchase of a site or sites and the erection thereon of a library building or buildings and the equipment of same and any portion of the proceeds

from any sale of such property not so used and expended shall be paid one half to Mecklenburg County and one half to the City of Charlotte and such funds so paid to and received by said county and city shall be by them respectively irrevocably covered into a special sinking fund which shall be used only towards the retirement of the principal of the library bonds issued by them respectively.

County Commissioners and governing body of Charlotte to control and operate proposed library

SEC. 7. The Board of County Commissioners of Mecklenburg County and the Governing Body of the City of Charlotte shall, acting jointly and upon the voting basis pursuant to the provisions of the law governing the joint meeting of said bodies, have the direction and control of the expenditure of all funds representing the proceeds of the sales of the county and city bonds hereinbefore provided for and the approval and making of all contracts covering the purchase of any property and the erection and equipment of buildings for library purposes, which funds shall be disbursed by their respective treasurers; *provided* that the title to any such property so acquired together with the buildings and improvements thereon shall be vested in the aforesaid library corporation and no property whether now owned or hereafter acquired by the said corporation shall be sold, encumbered, conveyed or otherwise disposed of except by joint action and approval of the Board of County Commissioners of Mecklenburg County and the Governing Body of the City of Charlotte to be exercised in a joint meeting as hereinbefore provided.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, provided that if the tax levy herein referred to and provided for is not approved by a majority of the qualified voters at said election then, in that event, nothing in this Act shall be construed as in anywise repealing the provisions of any Public, Public-Local or Private Act now in effect relative to the authority of the Governing Body of the City of Charlotte or Mecklenburg County to levy taxes or appropriate funds for the maintenance and operation of public libraries in the City of Charlotte or Mecklenburg County; *provided, however,* if the tax for maintenance of libraries above provided for shall be approved by a majority of the qualified voters, any tax levied under this Act shall be in lieu of the tax authorized under Chapter three hundred and forty-nine of the Public-Local Laws, Session of one thousand nine hundred and thirty-nine.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 66 **CHAPTER 520**

AN ACT TO AMEND RULE TEN OF SECTION TWENTY-NINE - ONE OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO MAKE THE MEANING OF THE SECTION CLEAR.

The General Assembly of North Carolina do enact:

SECTION 1. Rule ten of Section twenty-nine - one of the General Statutes of North Carolina is hereby amended by rewriting said section to read as follows:

Relating to property of illegitimates, dieing intestate.

Rule 10. Heirs of Illegitimate. Illegitimate children shall be considered legitimate as between themselves and their representatives, and their estates shall descend accordingly in the same manner as if they had been born in wedlock; and upon the death of an illegitimate child not leaving issue capable of inheriting, his estate shall descend in the following order:

(1) To the children of his mother, whether legitimate or illegitimate, or their issue.

(2) If there are no such children or their issue, then to the mother.

(3) If there are no such children or their issue, nor mother, then to the brothers and sisters of the mother, or their issue.

(4) If there are none who can take under Paragraphs (1), (2), or (3) of this rule, then to the surviving spouse.

Nothing herein shall be construed to change the existing rules with respect to curtesy and dower or other rights of inheritance by virtue of marriage, nor to allow illegitimate children to inherit from legitimate children of the same mother.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 114 **CHAPTER 521**

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTEEN - THREE HUNDRED AND FIFTY-ONE OF THE GENERAL STATUTES OF NORTH CAROLINA, FIXING THE TERM OF EMPLOYMENT AND SALARY OF PRINCIPALS IN THE PUBLIC SCHOOLS OF THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and fifteen - three hundred and fifty-one of the General Statutes of North Carolina is hereby amended by adding at the end of the fourth paragraph, the following:

Amending law relating to term and salary of public school principals.

Principals to be employed and paid on basis of ten months.

(1) Principals in the public schools of the State shall be employed for a term of ten (10) months and shall be paid on the basis of ten (10) months' service.

Adjusting time before and after school term.

(2) The State Board of Education is authorized to prescribe what portion of said extra month shall apply before the opening of the school term and after the closing of the school year and to fix and regulate the duties of principals during said extra month.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 123 CHAPTER 522

AN ACT TO AMEND CHAPTER NINETY-SIX, GENERAL STATUTES OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED AND FORTY-THREE, PERTAINING TO UNEMPLOYMENT COMPENSATION, SO AS TO EXPAND ITS APPLICATION, AND PROTECT THE RIGHTS OF VETERANS OF THE PRESENT WAR, AND FURTHER TO CLARIFY PROVISIONS OF SAID CHAPTER.

The General Assembly of North Carolina do enact:

Amending law relating to unemployment compensation. Subsection k of Section 96-4.

SECTION 1. That Article one, Section ninety-six - four, Subsection (k), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by adding thereto the following paragraph:

Relating to advances to unemployment compensation under provisions of Title XII of Social Security Act.

The commission is also authorized and directed to apply for an advance to the Unemployment Compensation Fund and to accept the responsibility for the repayment of such advance in accordance with the conditions specified in Title XII of the Social Security Act, as amended, in order to secure to this State and its citizens the advantages available under the provisions of such title.

Amending Subsection i of Section 96-4.

SEC. 2. That Article one, Section ninety-six - four, Subsection (i), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out said subsection and inserting the following in lieu thereof:

Subpoenas.

(i) Subpoenas. In case of contumacy by, or refusal to obey a subpoena issued to any person by the commission or its authorized representative, any clerk of a superior court of this State within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commission, or its duly authorized representatives, shall have jurisdiction to issue to such person an or-

der requiring such person to appear before the commission, or its duly authorized representatives, there to produce evidence if so ordered, or there to give testimony touching upon the matter under investigation or in question; and any failure to obey such order of the said clerk of superior court may be punished by the said clerk of superior court as a contempt of said court. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, or other records in obedience to a subpoena of the commission, shall be punished by a fine of not more than fifty dollars ($50.00) or by imprisonment for not longer than thirty days.

Providing penalty for failure of witness to attend and testify.

SEC. 3. That Article one, Section ninety-six - four, Subsection (1), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out of line one the word "benefit" and be further amended by adding to Subsection (1), Paragraph (1), the following three subparagraphs to be designated as (E), (F), and (G):

Amending Subsection 1 of Section 96-4.

(E) The services of the commission may be made available to such other agencies to assist in the enforcement and collection of judgments of such other agencies.

Commission to assist in enforcement of certain judgments.

(F) The services on vessels engaged in interstate or foreign commerce for a single employer, wherever performed, shall be deemed performed within this State or within such other state.

Relating to services on vessels in interstate or foreign commerce.

(G) Services performed by an individual for a single employing unit which customarily operates in more than one state shall be deemed to be services performed entirely within any of the states (i) in which such individual has residence or (ii) in which the employing unit maintains a place of business; *provided* there is in effect as to such service an election approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by such individual for such employing unit are deemed to be performed entirely within such state; *provided, further*, that no such election shall apply to more than three such individuals.

Relating to services of an individual employed by unit operating in interstate commerce.

SEC. 4. That Article two, Section ninety-six - six, Subsection (a), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out in line fourteen of said subsection after the semicolon, the word "and," and be further amended by striking out in line fifteen after the word "securities," the period and inserting in lieu thereof a semicolon and adding the following:

Amending Subsection a of Section 96-6.

(6) Any moneys received from the Federal Unemployment Account in the Unemployment Trust Fund in accordance with Title XII of the Social Security Act as amended.

Amending Subsection f of Section 96-8.

SEC. 5. That Article two, Section ninety-six - eight, Subsection (f), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by adding thereto another paragraph numbered (7) as follows:

(7) Any employing unit with its principal place of business located outside of the State of North Carolina, which engages in business within the State of North Carolina, and which, during any period of twelve consecutive months, has in employment eight or more individuals in as many as twenty different weeks shall be deemed to be an employer and subject to the other provisions of this chapter.

Amending paragraph 2, Subsection f of Section 96-8.

SEC. 6. That Article two, Section ninety-six - eight, Subsection (f), Paragraph (2), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by adding to said paragraph the following:

Or which acquired a part of the organization, trade, or business of another, which at the time of such acquisition was an employer subject to this chapter; *provided,* such other would have been an employer under Paragraph (1) of this subsection, if such part had constituted its entire organization, trade, or business; *provided further,* that Section ninety-six - ten, Subsection (d), shall not be applicable to an individual or employing unit acquiring such part of the organization, trade, or business.

Amending Subsection g of Section 96-8.

SEC. 7. That Article two, Section ninety-six - eight, Subsection (g), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by renumbering the present Paragraph "(7)" as "(8)" and inserting a new papagraph numbered "(7)" as follows:

(7) The term "employment" shall include:

(A) Services covered by an election pursuant to Section ninety-six - eleven, Subsection (c), of this chapter; and

(B) Services covered by an election duly approved by the commission in accordance with an arrangement pursuant to Section ninety-six - four, Subsection (1), of this chapter during the effective period of such election.

SEC. 8. That Article two, Section ninety-six - eight, Subsection (g), Paragraph (7), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by adding to said paragraph another subparagraph numbered (0) as follows:

(0) Casual labor not in the course of the employing unit's trade or business.

Amending Subparagraph F, Paragraph 7, Subsection g of Section 96-8.

SEC. 9. That Article two, Section ninety-six - eight, Subsection (g), Paragraph (7), Subparagraph (F), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hun-

dred and forty-three, be amended by adding to said subparagraph the following proviso:

Provided, that this subparagraph shall not be applicable from and after the effective date of any amendment to the Federal Unemployment Tax Act which should define such services as in "employment" and subject to said Unemployment Tax Act; *provided further,* that any tax imposed with respect to such services is subject to offset by reason of any contributions having been paid to any state unemployment compensation fund.

Amending Subsection k of Section 96-8.

SEC. 10. That Article two, Section ninety-six - eight, Subsection (k), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out said subsection and inserting the following in lieu thereof:

(k) "Total and Partial Unemployment."

Totally unemployed.

(1) An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to him and during which he performs no services.

Partially unemployed.

(2) An individual shall be deemed "partially unemployed" in any week in which, because of lack of work, he worked less than sixty per cent of the customary scheduled fulltime hours of the industry or plant in which he is employed, and with respect to which the wages payable to him are less than his weekly benefit amount plus two dollars ($2.00): *Provided, however,* that the commission may find the customary scheduled fulltime hours of any individual to be less or more than the customary scheduled fulltime hours of the industry or plant in which he is employed, if such individual customarily performs services in an occupation which requires that he customarily work a greater or smaller number of hours than the customary scheduled fulltime hours of the industry or plant in which he is employed.

(3) An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the commission may by regulation otherwise prescribe.

Amending Subparagraph A, Paragraph 4, Subsection b of Section 96-9.

SEC. 11. That Article two, Section ninety-six - nine, Subsection (b), Paragraph (4), Subparagraph (A), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out Subparagraph (A) and inserting the following in lieu thereof:

(A) If, as of any computation date, the commission finds that: compensation has been payable from an employer's account throughout the year preceding the computation date; and the balance of such account amounts to not less than five times the largest amount of compensation paid from such account within any one of the three years preceding such date; and the

balance of such account as of the computation date amounts to not less than two and one half per centum of that part of the payroll or payrolls in the three payroll years preceding such date by which contributions were measured; and such contributions were payable to such account with respect to the three years preceding the computation date, contribution rates for the calendar year following such computation date shall be determined pursuant to Subparagraph (B) of this paragraph. The term "year" as used in this subparagraph (except when preceded by the word "calendar") means the twelve months period ending on July thirty-first of any calendar year. The term "payroll year" as used in this subparagraph means the twelve calendar months ending on June thirtieth of any calendar year.

Amending Subparagraph B, Paragraph 4, Subsection b of Section 96-9.

SEC. 12. That Article two, Section ninety-six - nine, Subsection (b), Paragraph (4), Subparagraph (B), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by inserting after the word "period" in line twelve of Subparagraph (B) the following words: ending June thirtieth.

Amending Subparagraph c, Paragraph 4, Subsection b of Section 96-9.

SEC. 13. That Article two, Section ninety-six - nine, Subsection (b), Paragraph (4), Subparagraph (C), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out the word "July" in line two of Subparagraph (C) and inserting in lieu thereof the word "August."

Amending Paragraph 2, Subsection c of Section 96-9.

SEC. 14. That Article two, Section ninety-six - nine, Subsection (c), Paragraph (2), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out the first sentence of Paragraph (2) and inserting the following in lieu thereof:

All benefits for weeks of unemployment paid during the period beginning with the last computation date and ending on July thirty-first of each year to any eligible individual shall be paid out of the reserve account of such individual's employer or employers by whom he was employed during his base period.

Amending Paragraph 3, Subsection c of Section 96-9.

SEC. 15. That Article two, Section ninety-six - nine, Subsection (c), Paragraph (3), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out in line one of Paragraph (3) the words "June thirtieth" and inserting in lieu thereof the words "July thirty-first."

Amending Paragraph 4, Subsection c of Section 96-9.

SEC. 16. That Article two, Section ninety-six - nine, Subsection (c), Paragraph (4), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out said paragraph and inserting the following in lieu thereof:

(4) The commission may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by one or more employers having the relationship of parent and subsidiary companies. Any individual, group of individuals, or employing unit, who or which acquires the organization, trade, or business of an employer, as provided in Section ninety-six - eight, Subsection (f), Paragraph (2), for whom a reserve account has been established and maintained as provided in this chapter, shall immediately notify the commission thereof, and may upon the mutual consent of the parties concerned, and approval of the commission, in conformity with the regulations as prescribed therefor, assume the position of such employer with respect to the resources and liabilities of such employer's reserve account. In the event any employer subject to this chapter ceases to be such an employer through the termination of coverage as provided in Section ninety-six - eleven, the reserve account standing to the credit of such employer shall immediately upon such termination of coverage revert to the partially pooled account established herein and the reserves account shall be closed. In the event any employer subject to this chapter has not had any individuals in employment for a period of five consecutive years, the reserve account of such employer shall, at the end of such five-year period, revert to the partially pooled account established herein and the reserve account shall be closed.

Amending Section 96-10.

SEC. 17. That Article two, Section ninety-six - ten, Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by the addition of two subsections numbered "(h)" and "(i)," to read as follows:

(h) When any uncertified check is tendered in payment of any contributions to the commission and such check shall have been returned unpaid on account of insufficient funds of the drawer of said check in the bank upon which same is drawn, a penalty shall be payable to the commission, equal to ten per cent (10%) of the amount of said check, and in no case shall such penalty be less than one dollar ($1.00) nor more than two hundred dollars ($200..00).

(i) No suit or proceedings for the collection of unpaid contributions may be begun under this chapter after five years from the date on which such contributions become due; *provided*, that this subsection shall not apply in any case of wilful attempt in any manner to defeat or evade the payment of any contributions becoming due under this chapter.

Amending Subsection a of Section 96-10.

SEC. 18. That Article two, Section ninety-six - ten, Subsection (a), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be and the same is hereby amended by inserting in line eleven of Subsection (a), after the word "state," the following: "or to the United States under the Federal Unemployment Tax Act," and further be

amended by striking out the period at the end of the last sentence and inserting the following, "or the United States."

Amending Subsection b of Section 96-10.

SEC. 19. That Article two, Section ninety-six - ten, Subsection (b), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by inserting in line one of said subsection, after the dash, the following, "(1)," and that said Subsection (b) be further amended by adding thereto the following new paragraph:

(2) When the commission furnishes the clerk of superior court of any county in this State a written statement or certificate to the effect that any judgment docketed by the commission against any firm or individual has been satisfied and paid in full, and said statement or certificate is signed by the chairman of the commission and attested by its secretary, with the seal of the commission affixed, it shall be the duty of the clerk of superior court to file said certificate and enter a notation thereof on the margin of the judgment docket to the effect that said judgment has been paid and satisfied in full, and is in consequence cancelled of record. Such cancellation shall have the full force and effect of a cancellation entered by an attorney of record for the commission. This paragraph shall apply to judgments already docketed, as well as to future judgments docketed by the commission. For the filing of said statement or certificate and making new notations on the record, the clerk of superior court shall be paid a fee of fifty cents (50c) by the commission.

Amending Subsection e of Section 96-10.

SEC. 20. That Article two, Subsection ninety-six - ten, Subsection (e), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out all of the said subsection, and inserting in lieu thereof the following:

Refunds.

(e) Refunds. If not later than three years from the last day of the period with respect to which a payment of any contributions or interest thereon was made, or one year from the date on which such payment was made, whichever shall be the later, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund, and the commission shall determine that such contributions or any portion thereof was erroneously collected, the commission shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such an adjustment cannot be made in the next succeeding calendar quarter after such application for such refund is received, or if said money which constitutes the overpayment has been in the possession of the commission for six months or more, a cash refund may be made, without interest, from the fund. For like cause and within the same period, adjustment

or refund may be so made on the commission's own initiative. *Provided*, that nothing in this section or in any other section of this chapter shall be construed as permitting the refund of moneys due and payable under the law and regulations in effect at the time such moneys were paid.

Amending Subsection b of Section 96-11.

SEC. 21. That Article two, Section ninety-six - eleven, Subsection (b), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out in line six of said subsection the words "thirty-first day of January" and inserting in lieu thereof the words, "first day of March."

Amending Paragraph 1, Subsection c of Section 96-11.

SEC. 22. That Article two, Section ninety-six - eleven, Subsection (c), Paragraph (1), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out in lines eleven and twelve of said paragraph the following words: "at least thirty days prior to such first day of January," and inserting in lieu thereof: prior to the first day of March following such first day of January.

Amending Paragraph 2, Subsection c of Section 96-11.

SEC. 23. That Article two, Section ninety-six - eleven, Subsection (c), Paragraph (2), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out in lines sixteen and seventeen of said paragraph the followig, "at least thirty days prior to such first day of January," and inserting in lieu thereof the following: prior to the first day of March following such first day of January.

Amending Subsection b of Section 96-12.

SEC. 24. That Article two, Section ninety-six - twelve, Subsection (b), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by adding thereto the following paragraph numbered "(1)":

(1) Each eligible individual whose benefit year begins on and after the effective date of this Act, and who is totally unemployed in any week as defined by Section ninety-six - eight, (k), (l), shall be paid with respect to such week or weeks benefits at the rate per week appearing in the following table in Column II opposite which in Column I appear the wages paid to such individual during his base period with respect to "employment." *Provided, however,* after July first, one thousand nine hundred and thirty-nine, for any individual whose employment prior to such date was in employment for an employer who, after such date, was or is subject to the Railroad Unemployment Insurance Act, and who worked for some other employer subject to this chapter, only the wages paid to such individual for employment performed for an employer not subject to said Railroad Unemployment Insurance Act after July first, one thousand nine hundred and thirty-nine, shall be used in determining the wages paid during his base period.

COLUMN I Wages Paid During Base Period	COLUMN II Weekly Benefit Amount
Under $130.00	Ineligible
$ 130.00 to $ 152.99	$ 4.00
153.00 to 178.99	4.50
179.00 to 207.99	5.00
208.00 to 239.99	5.50
240.00 to 275.99	6.00
276.00 to 316.99	6.50
317.00 to 362.99	7.00
363.00 to 415.99	7.50
416.00 to 464.99	8.00
465.00 to 519.99	8.50
520.00 to 580.99	9.00
581.00 to 649.99	9.50
650.00 to 727.99	10.00
728.00 to 788.99	10.50
789.00 to 853.99	11.00
854.00 to 923.99	11.50
924.00 to 999.99	12.00
1,000.00 to 1,081.99	12.50
1,082.00 to 1,169.99	13.00
1,170.00 to 1,265.99	13.50
1,266.00 to 1,370.99	14.00
1,371.00 to 1,485.99	14.50
1,486.00 to 1,611.99	15.00
1,612.00 to 1,663.99	15.50
1,664.00 to 1,715.99	16.00
1,716.00 to 1,767.99	16.50
1,768.00 to 1,819.99	17.00
1,820.00 to 1,871.99	17.50
1,872.00 to 1,923.99	18.00
1,924.00 to 1,975.99	18.50
1,976.00 to 2,027.99	19.00
2,028.00 to 2,079.99	19.50
2,080.00 and over	20.00

Amending Subsection c of Section 96-12.

SEC. 25. That Article two, Section ninety-six - twelve, Subsection (c), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out in lines eight, nine, and ten, of said subsection, the words, "and five sixth of his remuneration (as defined in Section ninety-six -eight (n)) for such week," and inserting in lieu thereof the following: and that part of the wages (if any) payable to him with respect to such week which is in excess of two dollars ($2.00).

SEC. 26. That Article two, Section ninety-six -twelve, Subsection (e), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out said subsection and inserting the following in lieu thereof:

Amending Subsection e of Section 96-12.

(e) Benefit Rights of Veterans.

(1) Notwithstanding any inconsistent provisions of this chapter, the benefit rights of veterans shall be determined in accordance with the following provisions of this subsection for the period and with respect to the matters specified herein; except as herein otherwise provided, all other provisions of this chapter shall continue to be applicable in connection with such benefits.

Relating to benefits for veterans.

(2) The term "military service" as used in this subsection means active service in the land or naval forces of the United States, but the service of an individual in any reserve component of the land or naval forces of the United States, who is ordered to active duty in any such force for a period of thirty days or less shall not be deemed to be active service in any such force during such period.

Defining military service.

(3) The term "veteran" as used in this subsection means an individual who performed military service after July first, one thousand nine hundred and forty, and who continued in such service for not less than ninety consecutive days, and who has been discharged or released from such service.

Defining veteran.

(4) With respect to any veteran, the first benefit year following the termination of his military service shall be the one-year period beginning with the first day of the first week following the exhaustion of such veteran's rights under Title V of the Servicemen's Readjustment Act of one thousand nine hundred and forty-four, Public three hundred and forty-six, Seventy-eighth Congress; and the second benefit year following the termination of his military service shall be the next one-year period beginning with the first day of the first week following the termination of such first benefit year.

(5) With respect to the first benefit year defined in Paragraph (4) of this subsection, the base period shall be the two completed calendar years preceding the date of the veteran's entry into military service; and with respect to the second benefit year defined in Paragraph (4) of this subsection, the base period shall be the complete calendar year preceding the date of the veteran's entry into military service, plus the portion of a calendar year intervening between the end of such completed calendar year and the date of the veteran's entry into military service, plus (but only in the event that the military service ends between July first and December thirty-first of any year) the portion of a calendar year intervening between the date of

the veteran's termination of such service and the last day of such calendar year; *provided*, that for the purpose of this subsection such portion of a calendar year intervening between the date of a veteran's termination of service and the last day of such calendar year shall be deemed to be included in the calendar year in which the veteran entered military service; *provided further*, that such veteran, in accordance with such regulations as the commission may prescribe, shall elect as to whether his rights to benefits shall be determined under the provisions of this subsection or shall be determined under the provisions of this chapter applicable to claimants other than veterans.

(6) The provisions of Section ninety-six - thirteen (d) with respect to his waiting period shall not be applicable to the first benefit year defined in Paragraph (4) of this subsection.

(7) An otherwise eligible veteran shall be eligible to receive benefits with respect to any week beginning in either of the benefit years defined in Paragraph (4) of this subsection only if he has earned wages in the amount of one hundred and thirty dollars ($130.00) or more in either of the two calendar years included within the base period for that benefit year in which occurs a week with respect to which benefits are claimed.

(8) A veteran's weekly benefit amount with respect to each of the two benefit years defined in Paragraph (4) of this subsection shall be the amount appearing in Column II of the table of Subsection (b) Paragraph (1) opposite which amount there appears in Column I of such table the wages payable to such individual with respect to "employment" during that calendar year of the base period of such benefit year in which such veteran's wages payable with respect to employment were greatest.

(9) An otherwise eligible veteran shall be entitled during the first benefit year defined in Paragraph (4) of this subsection to a total amount of benefits equal to whichever is the lesser of (a) twenty times his weekly benefit amount, and (b) forty times his weekly benefit amount, less the amount of any benefits paid him under this Act for unemployment prior to his entry into military service on the basis of his wages in any part of the base period of such benefit year.

(10) An otherwise eligible veteran shall be entitled during the second benefit year defined in Paragraph (4) of this subsection to a total amount of benefits equal to whichever is the lesser of (a) twenty times his weekly benefit amount, and (b) five times his weekly benefit amount times the number of calendar quarters (completed or incompleted) in the base period of such benefit year and less the amount of any benefits paid him under this Act for unemployment prior to his entry into military service on the basis of his wages in any part of the base period of such benefit year.

Amending Subsection c of Section 96-13.

SEC. 27. That Article two, Section ninety-six - thirteen, Subsection (c), of Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out of line eight of said subsection after the word "individual" the colon and inserting in lieu thereof the following:

"; however, no individual shall be denied benefits by reason of this proviso in the event of the death of such child, if such individual is otherwise eligible:".

Amending Subsection d of Section 96-13.

SEC. 28. That Article two, Section ninety-six - thirteen, Subsection (d), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out said subsection and inserting in lieu thereof the following:

(d) He has been totally unemployed for a waiting period of one week (and for the purpose of this subsection, two weeks of partial unemployment shall be deemed to be equivalent to one week of total unemployment. Such weeks of partial unemployment need not be consecutive). No weeks shall be counted as a week of total unemployment for the purpose of this subsection:

(1) If benefits have been paid with respect thereto;

(2) Unless the individual was eligible for benefits with respect thereto in all respects except for the requirements of this subsection and Subsection (g) of Section ninety-six - fourteen;

(3) Unless it occurred within the benefit year which includes the week with respect to which he claims benefits.

Provided, that no individual shall be required to accumulate more than one such waiting period week in any benefit year.

Amending Subsection c of Section 96-14.

SEC. 29. That Article two, Section ninety-six - fourteen, Subsection (c), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out the period ofter the word "Commission" in line fourteen of said subsection and adding the following: and the maximum amount of benefits due said individual during his then current benefit year shall be reduced by an amount determined by multiplying the number of such consecutive weeks of unemployment by the weekly benefit amount.

Amending Subsection a of Section 96-15.

SEC. 30. That Article two, Section ninety-six - fifteen, Subsection (a), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out all of said subsection after the first sentence and inserting in lieu thereof the following:

(a) Each employing unit shall post and maintain in places readily accessible to individuals performing services for it printed statements, concerning benefit rights, claims for benefits, and

such other matters relating to the administration of this chapter as the commission may direct. Each employing unit shall supply to such individuals copies of such printed statements or other materials relating to claims for benefits as the commission may direct. Such printed statements and other materials shall be supplied by the commission to each employing unit without cost to the employing unit.

Amending Subsection e of Section 96-15.

SEC. 31. That Article two, Section ninety-six - fifteen, Subsection (e), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out said subsection and inserting the following in lieu thereof:

Regulating reviews by Commission.

(e) Commission Review. The commission may on its own motion, affirm, modify, or set aside any decision of an appeals tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence or may permit any of the parties to such decision to initiate further appeals before it or may provide for group hearings in such cases as the commission may deem expedient. *Provided, however,* that upon denial by the commission of an application for appeal from the decision of an appeals tribunal, the decision of the appeals tribunal shall be deemed to be the decision of the commission within the meaning of this subsection for purposes of judicial review and shall be subject to judicial review within the time and in the manner provided for with respect to a decision of the commission, except that the time for initiating such review shall run from the date of mailing or delivery of the notice of the order of the commission denying the application for appeal. The commission shall permit such further appeal by any of the parties interested in the decision of an appeals tribunal which is not unanimous. The commission may remove to itself or transfer to another appeals tribunal, the proceedings on any claim pending before an appeals tribunal. Any proceedings so removed to the commission shall be heard by a quorum thereof in accordance with the requirements in Subsection (c) of this section. The commission shall promptly notify the interested parties of its findings and decision.

Amending Subsection f of Section 96-15.

SEC. 32. That Article two, Section ninety-six - fifteen, Subsection (f), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by adding in line eleven of said subsection after the word "hearing" the following: before an appeals tribunal.

Amending Section 96-16.

SEC. 33. That Article two, Section ninety-six - sixteen, Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out said Section ninety-six - sixteen, and inserting in lieu thereof the following:

SEC. 96-16. Seasonal Pursuits.

Defining seasonal pursuit.

(a) A seasonal pursuit is one which, because of seasonal conditions making it impracticable or impossible to do otherwise, customarily carries on production operations only within a regularly recurring active period or periods of less than an aggregate of thirty-six weeks in a calendar year. No pursuit shall be deemed seasonal unless and until so found by the commission.

Determination to be made by Commission.

(b) Upon application therefor by a pursuit, the commission shall determine or redetermine whether such pursuit is seasonal and, if seasonal, the active period or periods thereof. The commission may, on its own motion, redetermine the active period or periods of a seasonal pursuit. An application for a seasonal determination must be made on forms prescribed by the commission and must be made at least twenty days prior to the beginning date of the period of production operations for which a determination is requested.

Notice of determination must be displayed.

(c) Whenever the commission has determined or redetermined a pursuit to be seasonal, such pursuit shall be notified immediately, and such notice shall contain the beginning and ending dates of the pursuit's active period or periods. Such pursuit shall display notices of its seasonal determination conspicuously on its premises in a sufficient number of places to be available for inspection by its workers. Such notices shall be furnished by the commission.

Relating to review of determination.

(d) A seasonal determination shall become effective unless an interested party files an application for review within ten days after the beginning date of the first period of production operations to which it applies. Such an application for review shall be deemed to be an application for a determination of status, as provided in Section ninety-six - four, Subsections (m) through (q), of this chapter, and shall be heard and determined in accordance with the provisions thereof.

Weekly benefit of seasonal worker.

(e) All wages paid to a seasonal worker during his base period shall be used in determining his weekly benefit amount.

Based on seasonal wages during active period thereof.

(f) (1) A seasonal worker shall be eligible to receive benefits based on seasonal wages only for a week of unemployment which occurs, or the greater part of which occurs within the active period or periods of the seasonal pursuit or pursuits in which he earned base period wages.

Based on nonseasonal wages during inactive period thereof.

(2) A seasonal worker shall be eligible to receive benefits based on nonseasonal wages only for a week of unemployment which occurs, or the greater part of which occurs within the inactive period or periods of the seasonal pursuit or pursuits in which he earned base period wages.

Maximum benefits.

(3) The maximum amount of benefits which a seasonal worker shall be eligible to receive based on seasonal wages shall be an amount, adjusted to the nearest multiple of fifty cents (50c), determined by multiplying the maximum benefits payable in his benefit year, as provided in Section ninety-six - twelve (d) of this chapter, by the percentage obtained by dividing the seasonal wages in his base period by all of his base period wages.

Seasonal worker and benefits.

(4) The maximum amount of benefits which a seasonal worker shall be eligible to receive based on nonseasonal wages shall be an amount, adjusted to the nearest multiple of fifty cents (50c), determined by multiplying the maximum benefits payable in his benefit year, as provided in Section ninety-six - twelve (d) of this chapter, by the percentage obtained by dividing the nonseasonal wages in his base period by all of his base period wages.

Seasonal worker.

(5) In no case shall a seasonal worker be eligible to receive a total amount of benefits in a benefit year in excess of the maximum benefits payable for such benefit year, as provided in Section ninety-six - twelve (d) of this chapter.

Benefits of seasonal worker.

(g) (1) All benefits paid to a seasonal worker based on seasonal wages shall be charged, as prescribed in Section ninety-six - nine (c) (2) of this chapter, against the reserve account of his base period employer or employers who paid him such seasonal wages, and for the purpose of this paragraph such seasonal wages shall be deemed to constitute all of his base period wages.

Relating to benefits of a seasonal worker.

(2) All benefits paid to a seasonal worker based on nonseasonal wages shall be charged, as prescribed in Section ninety-six - nine (c) (2) of this chapter, against the reserve account of his base period employer or employers who paid him such nonseasonal wages, and for the purpose of this paragraph such nonseasonal wages shall be deemed to constitute all of his base period wages.

Calculation of benefits of certain workers.

(h) The benefits payable to any otherwise eligible individual shall be calculated in accordance with this section for any benefit year which is established on or after the beginning date of a seasonal determination applying to a pursuit by which such individual was employed during the base period applicable to such benefit year, as if such determination had been effective in such base period.

Relating to appeals.

(i) Nothing in this section shall be construed to limit the right of any individual whose claim for benefits is determined in accordance herewith to appeal from such determination as provided in Section ninety-six - fifteen of this chapter.

(j) As used in this section:

Pursuit.

(l) "Pursuit" means an employer or branch of an employer.

(2) "Branch of an employer" means a part of an employer's activities which is carried on or is capable of being carried on as a separate enterprise. Branch of an employee.

(3) "Production operations" mean all the activities of a pursuit which are primarily related to the production of its characteristic goods or services. Production operations.

(4) "Active period or periods" of a seasonal pursuit means the longest regularly recurring period or periods within which production operations of the pursuit are customarily carried on. Active periods.

(5) "Seasonal wages" mean the wages earned in a seasonal pursuit within its active period or periods. The commission may prescribe by regulation the manner in which seasonal wages shall be reported. Seasonal wages.

(6) "Seasonal worker" means a worker at least twenty-five per cent of whose base period wages are seasonal wages. Seasonal worker.

(7) "Interested party" means any individual affected by a seasonal determination. Interested party.

(8) "Inactive period or periods" of a seasonal pursuit means that part of a calendar year which is not included in the active period or periods of such pursuit. Inactive periods.

(9) "Nonseasonal wages" mean the wages earned in a seasonal pursuit within the inactive period or periods of such pursuit, or wages earned at any time in a nonseasonal pursuit. Nonseasonal wages.

(10) "Wages" mean remuneration for employment. Wages.

SEC. 34. That Article two, Section ninety-six - eighteen, Subsections (b) and (c), Chapter ninety-six, General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out said subsections and inserting in lieu thereof: Amending Subsections b and c of Section 96-18.

(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contributions or other payment required from an employing unit under this chapter, or who wilfully fails or refuses to furnish any reports required hereunder, or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine of not less than twenty dollars ($20.00) or more than fifty dollars ($50.00) or by imprisonment for not longer than thirty days; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense. Penalty for employer giving false information.

Penalty for violation.

(c) Any person who shall wilfully violate any provisions of this chapter or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this chapter, or for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not less than twenty ($20.00) or more than fifty dollars ($50.00) or by imprisonment for not longer than thirty days, and each day such violation continues shall be deemed to be a separate offense.

Conflicting laws repealed.

SEC. 35. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 36. This Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 13th day of March, 1945.

H. B. 143 CHAPTER 523

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER ONE HUNDRED AND SIX OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PERMIT THE SALE OF COLORED OLEOMARGARINE.

The General Assembly of North Carolina do enact:

Amending Section 106-234 of General Statutes.

SECTION 1. Section one hundred and six - two hundred and thirty-four of the General Statutes is hereby rewritten to read as follows:

Prohibiting serving in public eating places colored oleomargarine.

SEC. 106-234. Serving of colored oleomargarine prohibited. It shall be unlawful to serve in any public dining room, restaurant, cafe, boarding house, or hotel as a food, oleomargarine which is of a yellow color in imitation or semblance of butter, or when it has a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, as measured in terms of Lovibond tintometer scale, or its equivalent.

Amending Section 106-235 of General Statutes.

SEC. 2. Section one hundred and six - two hundred and thirty-five of the General Statutes of North Carolina is hereby amended as follows:

(a) Strike out the word "uncolored" in the section title.

(b) Strike out the words "not made or colored so as to look like butter" in lines three and four.

(c) Strike out the words "which shall not contain any color or ingredient that causes it to resemble yellow butter," in lines thirteen and fourteen.

(d) Strike out the third and fourth sentences in Paragraph two of said section, beginning with the words "This license" and ending with the words "its equivalent."

Amending Section 106-236 of General Statutes.

SEC. 3. Section one hundred and six - two hundred and thirty-six of the General Statutes of North Carolina is hereby amended by striking out the words "not in imitation of yellow butter" in lines four and five thereof.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 183 CHAPTER 524

AN ACT TO AUTHORIZE THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO CONSTRUCT AND EQUIP SMALLMOUTH BASS FISH HATCHERIES AND SUB-REARING STATIONS, AND CONTINUING FOR THE NEXT BIENNIUM THE UNEXPENDED APPROPRIATION THEREFOR.

The General Assembly of North Carolina do enact:

Authorizing Department of Conservation and Development to operate smallmouth bass fish hatcheries.

SECTION 1. That the Department of Conservation and Development is hereby authorized and directed to construct, equip and maintain one or more smallmouth bass fish hatcheries and sub-rearing stations, to be located at such place or places as may be determined by the Department of Conservation and Development.

Extending for the next biennium certain unexpended appropriations.

SEC. 2. That one hundred ten thousand dollars ($110,000.00) of the unexpended appropriation made by Chapter five hundred and thirty of the Session Laws of one thousand nine hundred and forty-three to the Department of Conservation and Development under Item eighteen (3), designated "Game and Inland Fisheries, 1943-44, $100,000 - 1944-45, $100,000," shall not lapse at the end of this biennium and, if unexpended by that time, one hundred ten thousand dollars ($110,000.00) thereof shall be available to the Department of Conservation and Development for the purposes mentioned in Section one hereof until expended for such purposes.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 260 **CHAPTER 525**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF NASHVILLE TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE TOWN WHEN A PLEA OF GUILTY IS TENDERED.

The General Assembly of North Carolina do enact:

Authorizing Nashville to have a traffic bureau to handle uncontested traffic violation cases.

SECTION 1. That the Board of Commissioners of the Town of Nashville may, by ordinance, provide a traffic bureau to accept pleas of guilty and otherwise handle the following traffic violations within the town:

Parking over the allowed time.
Parking between one a. m. and six a. m.
Parking more than twelve inches from the curb.
Parking within twenty-five feet of a street corner.
Parking within fifteen feet of a fire hydrant.
Parking in a non-parking space.
Illegal use of loading zones, bus stops, and taxi stands.
Parking at entrance of alley or driveway.
Parking left side of curb.
Double parking.
Not displaying proper lights.
Making U turn in street where prohibited.
Illegal left or right turn.
Disregard of stop sign.
Not displaying town license.
Obstructing traffic.

Penalties to be imposed by said traffic bureau.

SEC. 2. That any person receiving a citation for any of the above offenses who desires to plead guilty to such violation shall pay through the traffic bureau the following amount as partial payment of the court costs for such violation:

All overtime parking, one dollar ($1.00).

All other offenses listed above, for the first offense - one dollar ($1.00); for the second offense - three dollars ($3.00).

Procedure.

SEC. 3. That any person cited by the police officers of the Town of Nashville to appear before such traffic bureau for a violation of any offense listed above may submit thereto a plea of guilty to such violation and pay the sum or sums provided therefor. Such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve months' period.

Not State tax.

SEC. 4. That no State tax shall be paid to the State of North Carolina in the cases enumerated in this Act.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 275 CHAPTER 526

AN ACT TO AMEND ARTICLE THREE, GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO RETIREMENT SYSTEM FOR COUNTIES, CITIES AND TOWNS TO CHANGE THE DATES AS OF WHICH PRIOR SERVICE IS ALLOWABLE, METHOD OF CONTRIBUTIONS AND THE RETIREMENT AGE FOR POLICEMEN AND FIREMEN.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter one hundred and twenty-eight - twenty-one, General Statutes of North Carolina, by striking out Subsection (6) and inserting in place thereof the following: Amending Chapter 128-21 of General Statutes.

(6) "Prior Service" shall mean the service of a member rendered before the date he becomes a member of the system, certified on his prior service certificate and allowable as provided by Section six of this Act. Defining "Prior Service."

SEC. 2. Amend Chapter one hundred and twenty-eight - twenty-two, General Statutes of North Carolina by striking out after the word "system" in line eight down to the word "provide" in line eleven and adding in lieu thereof the following: Amending Chapter 128-22 of General Statutes.

Following the filing of the application as provided in one hundred twenty-eight - twenty-three (3) hereof, the board of trustees shall set a date not less than sixty and not more than ninety days thereafter, as of which date participation of the employer may begin, which date shall be known as the date of participation for such employer. Fixing rate of participation.

SEC. 3. Amend Chapter one hundred and twenty-eight - twenty-six, General Statutes of North Carolina, by striking out Subsections (1), (3) and (4) and inserting in place thereof the following: Amending Chapter 128-26 of General Statutes.

Allowance for Service. (1) Under such rules and regulations as the board of trustees shall adopt each member who was an employee at any time during the year immediately preceding the date of participation of his employer, and who becomes a member during the first year thereafter, shall file a detailed statement of all service as an employee rendered by him to his employer prior to such date of participation for which he claims credit. Allowance for service.

(3) Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed.

In lieu of a determination of the actual compensation of the members that was received during such period of prior service, the board of trustees may use for the purpose of this Act the compensation rates which if they had progressed with the rates of salary increase shown in the tables as prescribed in Subsection fourteen of Section seven of this Act would have resulted in the same average salary of the member for the five years immediately preceding the date of participation of his employer, as the records show the member actually received.

(4) Upon verification of the statements of service the board of trustees shall issue prior service certificates certifying to each member the length of service rendered prior to the date of participation of his employer, with which he is credited on the basis of his statement of service. So long as membership continues a prior service certificate shall be final and conclusive for retirement purposes as to such service: *Provided, however,* that any member may, within one year from the date of issuance or modification of such certificate, request the board of trustees to modify or correct his prior service certificate.

When membership ceases, such prior service certificates shall become void. Should the employee again become a member, such employee shall enter the system as an employee not entitled to prior service credit except as provided in Section seven, Subsction five, Paragraph (b) of this Act.

Amending Chapter 128-27 of General Statutes.

SEC. 4. Amend Chapter one hundred and twenty-eight - twenty-seven, General Statutes of North Carolina, by striking out Subsection (1), Paragraph (a), and Subsection (2), Paragraph (b) and (c), and inserting in place thereof the following:

(1) (a) Any member in service may retire upon written application to the board of trustees setting forth at which time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired: *Provided,* that the said member at the time so specified for his retirement shall have attained the age of sixty years, or if a uniformed policeman or fireman he shall have attained the age of fifty-five years, and notwithstanding that, during such period of notification, he may have separated from service.

(2) (b) A pension equal to the annuity allowable at the age of sixty years or at the actual age at retirement if prior thereto, computed on the basis of contributions made prior to the attainment of age sixty; and

(2) (c) If he has a prior service certificate in full force and effect, and additional pension which shall be equal to the annuity which would have been provided at the age of sixty years, or at the actual age at retirement if prior thereto, by twice the contributions which he would have made during such period service had the system been in operation and he contributed thereunder.

Amending Chapter 128-29 of General Statutes.

SEC. 5. Amend Chapter one hundred and twenty-eight - twenty-nine, General Statutes of North Carolina, by striking out Subsection (2) and inserting in place thereof the following:

(2) The board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the expense fund. The amounts so allowed shall be due and payable to said funds, and shall be annually credited thereto by the board of trustees from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid from the pension accumulation fund, and any excess of earnings over such amount required shall be paid to the pension accumulation fund. Regular interest shall mean interest at the rate of four per centum per annum with respect to all calculations and allowances on account of members' contributions and at the rate of three per centum per annum with respect to employers' contributions, with the right reserved to the board of trustees to set a different rate or rates from time to time.

Amending Chapter 128-30 of General Statutes.

SEC. 6. Amend Chapter one hundred and twenty-eight - thirty, General Statutes of North Carolina, by striking out Subsection (3), Paragraphs (a), (c) and (d), and inserting in place thereof the following:

(a) Each participating employer shall pay to the pension accumulation fund monthly, or at such other intervals as may be agreed upon with the board of trustees, an amount equal to a certain percentage of the earnable compensation of each member, to be known as the "normal contribution" and an additional amount equal to a percentage of his earnable compensation to be known as the "accrued liability contribution." The rate per centum of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuation. Until the first valuation for any employer the normal contribution shall be three per cent for general employees and five per cent for firemen and policemen, and the accrued liability contribution shall be three per cent for general employees and six per cent for firemen and policemen.

(c) The "accrued liability contribution" shall be set for each employer on the basis of the prior service credits allowable to the employees thereof, who are entitled to prior service certificates, and shall be paid for a period of approximately thirty

years, *provided* that the length of the period of payment for each employer after contributions begin shall be the same for all employers and shall be determined by the board of trustees as the result of actuarial valuations.

(d) At the end of the first year following the date of participation for each employer, the accrued liability payable by such employer shall be set, by deducting from the present value of the total liability for all pensions payable on account of all members and pensioners of the system who became participants through service for such employer, the present value of the future normal contributions payable, and the amount of any assets resulting from any contributions previously made by such employer. Then the "accrued liability contribution" rate for such employer shall be the per centum of the total annual compensation of all members employed by such employer which is equivalent to four per centum of the amount of such accrued liability. The expense of making such actuarial valuation to determine the accrued liability contribution for each employer shall be paid by such employer.

Amending Chapter 128-28 of General Statutes.

SEC. 7. Amend Chapter one hundred and twenty-eight - twenty-eight, General Statutes of North Carolina, Administration, by striking out that section and adding in lieu thereof the following:

The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this article are hereby vested in the board of trustees: *Provided,* that all expenses in connection with the Administration of the North Carolina Local Governmental Employees' Retirement System shall be charged against and paid from the expense fund as provided in Subsection five of Chapter one hundred and twenty-eight - thirty of this article.

(1) The board of trustees shall be a body politic and corporate under the name Board of Trustees of the North Carolina Local Governmental Employees' Retirement System, and as a body politic and corporate shall have the right to sue and be sued, shall have perpetual succession and a common seal, and in said corporate name shall be able and capable in law to take, demand, receive and possess all kinds of real and personal property necessary and proper for its corporate purposes, and to bargain, sell, grant, alien, or dispose of all such real and personal property as it may lawfully acquire. All such property owned or acquired by said body politic and corporate shall be exempt from all taxes imposed by the State or any political subdivision thereof, and shall not be subject to income taxes.

(2) The board shall consist of the Board of Trustees of the Teachers' and State Employees' Retirement System and two other persons to be appointed by the Governor; one a fulltime executive officer of a city or town participating in the retirement

system, and one a fulltime officer of the governing body of a county participating in the retirement system, these to be appointed for a term of two years each. At the expiration of these terms of office, the appointment shall be for a term of four years.

(3) Compensation of Trustees. The trustees shall be paid seven dollars ($7.00) per day during session of the board and shall be reimbursed from the expense appropriation for all necessary expenses that they may incur through service on the board.

(4) Oath. Each trustee other than the ex officio members shall, within ten days after his appointment, take an oath of office, that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the said board, and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, and certified by the officer before whom it is taken, and immediately filed in the office of the Secretary of State.

(5) Voting Rights. Each trustee shall be entitled to one vote in the board. Five affirmative votes shall be necessary for a decision by the trustees at any meeting of said board.

(6) Rules and Regulations. Subject to the limitations of this chapter, the board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this chapter and for the transaction of its business. The board of trustees shall also, from time to time, in its discretion, adopt rules and regulations to prevent injustices and inequalities which might otherwise arise in the administration of this chapter.

(7) Officers and Other Employees, Salaries and Expenses. The board of trustees shall elect from its membership a chairman, and shall, by a majority vote of all the members, appoint a secretary, who may be, but need not be, one of its members. The board of trustees shall engage such actuarial and other service as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board of trustees, and all other expenses of the board necessary for the operation of the retirement system, shall be paid at such rates and in such amounts as the board of trustees shall approve.

(8) Actuarial Data. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system, and for checking the experience of the system.

(9) Record of Proceedings; Annual Report. The board of trustees shall keep a record of all of its proceedings which shall

be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

(10) Legal Adviser. The Attorney General shall be the legal adviser of the board of trustees.

(11) Medical Board. The board of trustees shall designate a medical board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall arrange for and pass upon all medical examinations required under the provisions of this chapter, and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the board of trustees its conclusion and recommendations upon all the matters referred to it.

(12) Duties of Actuary. The board of trustees shall designate an actuary who shall be the technical adviser of the board of trustees on matters regarding the operation of the funds created by the provisions of this chapter and shall perform such other duties as are required in connection therewith.

(13) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the board of trustees shall authorize, and on the basis of such investigation he shall recommend for adoption by the board of trustees such tables and such rates as are required in Subsection fourteen, Paragraphs (a) and (b) of this section. The board of trustees shall adopt tables and certify rates, and as soon as practicable thereafter the actuary shall make a valuation based on such tables and rates of the assets and liabilities of the funds created by this chapter.

(14) In the year one thousand nise hundred and forty-five, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds of the system, and taking into account the result of such investigation and valuation, the board of trustees shall:

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary; and

(b) Certify the rates of contributions payable by the participating units on account of new entrants at various ages.

(15) On the basis of such tables as the board of trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this chapter.

Amending Section 128-36 of General Statutes.

SEC. 7-A. Amend Section one hundred and twenty-eight - thirty-six of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

SEC. 128-36. Local laws unaffected; when benefits begin to accrue. Nothing in this article shall have the effect of repealing any Public-Local or Private Act creating or authorizing the creation of any officers' or employees' retirement system in any county, city, or town or prohibiting the enactment of any Public-Local or Private Act creating or authorizing the creation of any officers' or employees' retirement system in any county, city, or town. No payment on account of any benefit granted under the provisions of Section one hundred and twenty-eight - twenty-seven, Subsections one to four inclusive, shall become effective or begin to accrue until the end of one year following the date the system is established nor shall any compulsory retirement be made during that period. The provisions of this article shall apply only to those counties, cities or towns whose governing authorities voluntarily elect to be bound by same.

Amending Chapter 128-37 of General Statutes.

SEC. 8. That Chapter one hundred and twenty-eight - thirty-seven and Chapter one hundred and twenty-eight - thirty-eight, General Statutes of North Carolina, are hereby repealed; *provided* the provisions of this section of this Act shall not apply to Person County, Chatham County, and Moore County and any municipality therein located.

This Act does not apply to certain Counties.

SEC. 9. This Act shall not apply to the following: New Hanover County or the City of Wilmington; Buncombe County; Rutherford County; Randolph County; County of Vance or the City of Henderson; Onslow County; Lee County; Granville County; Gates County.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 300 CHAPTER 527

AN ACT TO AMEND SECTION TWENTY - TWO OF THE GENERAL STATUTES OF NORTH CAROLINA TO AUTHORIZE THE ASSISTANT COMMISSIONER OF MOTOR VEHICLES TO SIGN AND VERIFY CERTAIN PLEADINGS AND OTHER LEGAL DOCUMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section twenty - two of the General Statutes of North Carolina be amended by adding thereto a new paragraph which shall read as follows:

Authorizing Assistant Commissioner of Motor Vehicles to sign pleadings and other court documents on behalf of the Commissioner.

In any action, proceeding, or matter of any kind, to which the Commissioner of Motor Vehicles is a party or in which he may have an interest, all pleadings, legal notices, proofs of claim, warrants for collection, certificates of tax liability, executions, and other legal documents may be signed and verified by the assistant commissioner on behalf of the commissioner.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 316 CHAPTER 528

AN ACT TO AMEND SUBCHAPTER THREE OF CHAPTER ONE HUNDRED AND THIRTY OF THE GENERAL STATUTES OF NORTH CAROLINA BY ADDING A NEW ARTICLE THERETO SO AS TO REQUIRE THE IMMUNIZATION OF YOUNG CHILDREN AGAINST WHOOPING COUGH.

The General Assembly of North Carolina do enact:

SECTION 1. Subchapter three of Chapter one hundred and thirty of the General Statutes of North Carolina is hereby amended by adding a new article thereto to read as follows:

Art. 16 A. Whooping Cough.

Requiring immunization of young children against whooping cough.

SEC. 130-190.1. Immunization against whooping cough. (1) All children in North Carolina are required to be immunized against whooping cough before reaching the age of one year.

Procedure.

(2) A parent, guardian, or person in loco parentis, of any such child not previously immunized, shall present the child to a physician licensed in North Carolina and request the physician to administer to such child a sufficient dosage of a prophylactic whooping cough agent. All whooping cough prophylactic agents

used in compliance with this section must meet the standards required by the State Board of Health.

Providing free services for persons needing same.

(3) If the person is unable to pay for the services of a private physician, or for the prophylactic agent, the child may be taken to the county health officer or county physician of the county in which the child resides where such prophylactic agent shall be provided and administered free. The county appropriating body shall make available sufficient funds for the purchase of such immunizing agent for such cases.

Certificate of immunization to be furnished.

(4) The physician administering the whooping cough dosage shall submit a certificate to the local health or quarantine officer and give a copy to the parent, guardian, or person in loco parentis, of the child. Forms for the certificate shall be supplied by the State Board of Health.

Prohibiting non-immunized children from attending school.

(5) No principal or teacher shall permit any child to enter a public, private or parochial school without the certificate provided for in Subsection (4), or some other acceptable evidence of immunization against whooping cough.

Certain exceptions.

(6) If any physician, licensed to practice in North Carolina, certifies that such dosage is detrimental to a child's health, the requirements of this section shall be inapplicable until such dosage is found no longer to be detrimental.

Violation constitutes misdemeanor.

(7) The wilful violation of any part of this section is a misdemeanor punishable by a fine of not more than fifty dollars or by imprisonment for not more than thirty days in the discretion of the court; *provided* this Act shall not apply to children whose parent or parents or guardian are bona fide members of a recognized religious organization whose teachings are contrary to the practices herein required, and no certificate for admission to any public, private or parochial school shall be required as to them.

Certain exceptions.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 328 CHAPTER 529

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTEEN - ONE HUNDRED AND FORTY-FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA FOR ONE THOUSAND NINE HUNDRED AND FORTY-THREE WITH REFERENCE TO NONRESIDENT FISHING LICENSE FEES.

The General Assembly of North Carolina do enact:

Amending 1943 Act relating to nonresident fishing license fees.

SECTION 1. That Section one hundred and thirteen - one hundred and forty-five of the General Statutes of North Carolina for one thousand nine hundred and forty-three be amended by inserting the following proviso between the colon and the word "Provided" in line twenty-five: *Provided,* that any nonresident of the State desiring to fish for five days or less in any of the waters of North Carolina may do so upon payment to any authorized agent of the department the sum of two dollars and sixty cents ($2.60) for each such period, the sum of two dollars and fifty cents ($2.50) of said sum for the use of the department and the sum of ten cents (10c) for the use of the selling agent, and upon payment of the prescribed amount said nonresident shall be entitled to a "Nonresident Tourist License":.

SEC. 2. That Section one hundred and thirteen - one hundred and forty-five of the General Statutes of North Carolina for one thousand nine hundred and forty-three be further amended by changing the period at the end of said section to a colon and adding the following: *Provided further,* that any nonresident twelve years of age or under regardless of sex shall be allowed to fish in the waters of North Carolina without paying any of the license or permit fees set forth in this section.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 415 CHAPTER 530

AN ACT TO PROVIDE FOR THE FISCAL CONTROL OF THE STATE PUBLIC SCHOOL FUNDS; CERTAIN DUTIES OF THE STATE BOARD OF EDUCATION DEFINED; THE APPOINTMENT AND DUTIES OF A CONTROLLER AND OTHER RELATED POWERS AND DUTIES DEFINED.

Section 8, Article IX of Constitution has been amended.

WHEREAS, Section eight of Article IX of the Constitution of North Carolina has been amended by vote of the people, which

amendment provides for the membership of the State Board of Education; and

Section 9, Article IX of Constitution relates to State Board of Education.

WHEREAS, Section nine of Article IX of the Constitution sets forth the powers and duties of the said State board; and

Legislative enactments.

WHEREAS, by Act of the Legislature, numerous duties relating to the administration of the public schools have been enacted from time to time; and

Clarification needed.

WHEREAS, in order to provide a clarification of the duties of the various agencies administering the public schools, it is necessary to set forth the duties and responsibilities of the board and its officers; and

Fiscal control.

WHEREAS, it is necessary to provide adequate and effective machinery for the control of the fiscal affairs of the board and to clearly define the duties of the board in connection with fiscal affairs; and

Clarification needed.

WHEREAS, a great need is apparent for the clarifying of the duties and responsibilities of the several school officials in order to give them and other friends of public education a clearer conception of their duties in maintaining and conducting the public schools, in accordance with the needs of the people, and to execute the will of the General Assembly and the newly adopted sections of the Constitution: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. Sections eight and nine of Article IX of the Constitution are as follows:

Section 8, Article IX of Constitution places control of public schools with State Board of Education, consisting of Lieutenant Governor, State Treasurer, Superintendent of Public Lnstruction and 10 members to be appointed by the Governor, one member from each of 8 educational districts and two at large.

1. "Sec. 8. State Board of Education. The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years.

Appointment of foregoing 10 members to be approved by General Assembly and to serve 8 years.

One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The board shall elect a chairman and vice chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly."

State Superintendent to be Secretary of Board and administrative head of public schools.

Section 9, Article IX of Constitution defines powers of State Board.

2. "Sec. 9. Powers and Duties of the Board. The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for the election and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly."

Purpose of this Act.

SEC. 2. The Purpose of This Act. The purpose of this Act is to provide for adequate and efficient fiscal control of all funds committed to the State Board of Education which might be used by the public schools; to define and clarify the duties and responsibilities of the State Board of Education and the State Superintendent of Public Instruction in connection with the handling of the fiscal affairs of the board and such other duties and responsibilities as are set forth in this Act.

Powers of State Board of Education.

SEC. 3. Powers and Duties of the State Board of Education. The powers and duties of the State Board of Education are defined as follows:

General supervision of public schools and school funds.

1. To have "the general supervision and administration of the free public school system, and of the educational funds provided for the support thereof," except those mentioned in Section five of Article IX of the State Constitution.

Succeeds Literary Fund of N. C. and preceding State Board.

2. "The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted."

3. "The State Board of Education shall have power to divide the State into a convenient number of school districts." Divide State into school districts.

4. "To regulate the grade, salary and qualifications of teachers." Teachers.

5. "To provide for the selection and adoption of the textbooks to be used in the public schools." Textbooks.

6. "To apportion and equalize the public school funds over the State." Apportion funds.

7. "And generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto." Rules and regulations.

8. The board may employ one or more attendance officers for each educational district, determine their duties, and fix their compensation, such compensation to be paid from the nine months school fund, subject to the provisions of the Personnel Act. Attendance officers.

9. The State Board of Education is hereby directed to fully comply with each and every provision of Section one hundred and fifteen - sixty-three of the General Statutes of North Carolina relating to the instruction on alcoholism and narcoticism in the public school system of the State of North Carolina. Instruction on alcoholism.

SEC. 4. Appointment of Controller. The board shall appoint a controller, subject to the approval of the Governor, who shall serve at the will of the board and who, under the direction of the board, shall have supervision and management of the fiscal affairs of the board. The salary of the controller shall be fixed by the board, subject to the approval of the Director of the Budget, and shall be paid from board appropriations. Controller.

SEC. 5. Division of Duties. The board shall divide its duties into two separate functions, in so far as may be practical, as follows: Division of duties.

1. Those relating to the supervision and administration of the public school system, of which the superintendent shall be the administrative head, except as they relate to the supervision and management of the fiscal affairs of the board. Administrative.

2. Those relating to the supervision and administration of the fiscal affairs of the public school funds committed to the administration of the State Board of Education, of which the controller shall have supervision and management. Fiscal. General

SEC. 6. General Principles. The following general principles shall be considered as basic to the policies and procedures to be adopted: General principles.

Board is central authority.

1. The State Board of Education is the central educational authority. The board and its officials are charged with the responsibility of administering the public school system of North Carolina.

Cooperation of all school officials.

2. The present plan of the State supported public school system calls for a maximum of cooperative effort on the part of all school officials.

Planning and promotion.

3. The State Board of Education is responsible for the planning and promotion of the educational system.

Investigation and interpretation.

4. Programs of investigation and a well designed interpretation on a State-wide basis are a basic part of the duties of the State Board of Education.

Definitions.

SEC. 7. Definition of Terms Used in This Act. The following words and references shall have the following meanings and interpretations:

Board.

1. "Board" means the State Board of Education.

Superintendent.

2. "Superintendent" means Superintendent of Public Instruction.

Funds.

3. "Funds" means any moneys, administration of which is by law committed to the State Board of Education, whether derived from State or Federal appropriation or allocation, private gift or donation, or acquired from any other source.

Machinery Act.

4. "Machinery Act" has reference to the School Machinery Act, being Chapter three hundred and fifty-eight, Public Laws of one thousand nine hundred and thirty-nine, and the laws amendatory thereto.

Administrative unit.

5. "Administrative unit" shall include both county and city administrative units as defined in the Machinery Act.

Duties of Superintendent.

SEC. 8. Duties of the State Superintendent of Public Instruction as Secretary of the State Board of Education. It shall be the duty of the State Superintendent of Public Instruction, under the direction of the board:

Administer schools.

1. To organize and administer a Department of Public Instruction for the execution of the instructional policies established by the board.

Keep Board informed.

2. To keep the board informed regarding developments in the field of public education.

Recommendations to Board.

3. To make recommendations to the board with regard to the problems and needs of education in North Carolina.

Supervisory services.

4. To make available to the public schools a continuous program of comprehensive supervisory services.

5. To collect and organize information regarding the public schools, on the basis of which he shall furnish the board such tabulations and reports as may be required by the board. Information regarding the schools.

6. To communicate to the public school administrators all information and instructions regarding instructional policies and procedures adopted by the board. School administrators.

7. As secretary of the board, he shall be custodian of the corporate seal of the board and shall attest all deeds, leases, or written contracts to be executed in the name of the board. Secretary of Board.

8. The secretary, unless officially or otherwise prevented, shall attend all meetings of the board and shall keep a minute record of the proceedings of the board in a well bound and suitable book, which minutes shall be approved by the board prior to its adjournment; and as soon thereafter as possible, he shall furnish to each member of the board and the controller a copy of said minutes. Keep minutes of Board meetings.

9. All deeds of conveyance, leases, and contracts affecting real estate, title to which is held by the board, and all contracts of the board required to be in writing and/or under seal, shall be executed in the corporate name of the board by the chairman and attested by the secretary; and proof of the execution, if required or desired, may be had as provided by law for the probate of corporate instruments. Deeds and other contracts of Board to be executed in name of Board by its chairman and attested by its secretary.

10. Such other duties as the board may assign to him from time to time. Other duties.

SEC. 9. Controller.

1. The controller is constituted the executive administrator of the board in the supervision and management of the fiscal affairs of the board. Controller to be administrator of fiscal affairs.

2. Fiscal Affairs of the Board Defined. All matters pertaining to the budgeting, allocation, accounting, auditing, certification, and disbursing of public school funds, now or hereafter committed to the administration of the State Board of Education, are included within the meaning of the term "fiscal affairs of the board" and, under the direction of the board, shall be supervised and managed by the controller. The fiscal affairs of the board shall also include: Fiscal affairs of Board defined.

a. The preparation and administration of the State school budget, including all funds appropriated for the maintenance of the nine months public school term. Budget.

b. The allotment of teachers. Allotment of teachers.

c. The protection of State funds by appropriate bonds. Bonds.

Workmen's compensation.

d. Workmen's Compensation as applicable to school employees.

Sick leave.

e. Sick leave.

Other matters.

f. And all matters embraced in the objects of expenditure referred to in Section IX, "Public School," in the Act entitled "An Act to Make Appropriations for the Maintenance of the State's Departments, Bureaus, Institutions, and Agencies, and for other Purposes," including therein:

(1) Support of nine months term public schools.

(2) State Board of Education.

(3) Vocational education.

(4) Purchase of free textbooks.

(5) Vocational Textile Training School.

(6) Purchase of school buses.

(7) Including such Federal funds as may be made available by acts of Congress for the use of public schools.

(8) And including also the administration of all funds derived from the sale and rental of textbooks in the public schools.

(9) Including the operation and administration of the transportation system; the operation of plant; and the other auxiliary agencies under the administration of the board.

Duties of Controller.

SEC. 10. Duties of the Controller Defined.

1. The controller, under the direction of the board, shall have supervision and management of the fiscal affairs of the board.

2. The controller shall maintain a record or system of bookkeeping which shall reflect at all times the status of all educational funds committed to the administration of the board and particularly the following:

a. State appropriation for maintenance of the nine months public school term, which shall include all the objects of expenditure enumerated in Section nine of the Machinery Act.

b. State appropriation and any other funds provided for the purchase and rental of public school textbooks.

c. State literary and building funds and such other building funds as may be hereafter provided by the General Assembly for loans to county boards of education for school building and repair purposes.

d. State and Federal funds for vocational education and/or other funds as may be provided by act of Congress for assistance to the general secondary educational program.

e. Vocational rehabilitation funds.

f. State appropriation for the maintenance of the board and its office personnel and including all employees serving under the board.

g. Any miscellaneous funds within the jurisdiction of the board not included in the above.

3. The controller shall prepare all forms and questionnaires necessary to furnish information and data for the consideration of the board in preparing the State budget estimates required to be determined by the board as to each administrative unit.

4. The controller shall certify to each administrative unit the teacher allotment as determined by the board under Section eight of the Machinery Act. The superintendents of the administrative units shall then certify to the superintendent the names of the persons employed as teachers and principals, by districts and by races. The superintendent shall then determine the certificate ratings of the teachers and principals and shall certify such ratings to the controller, who shall then determine, in accordance with the State standard salary schedule for teachers and principals, the salary rating of each person so certified. The controller shall then determine, in accordance with the schedule of salaries established, the total cost of salaries in each county and city administrative unit for teachers and principals to be included in the State budget for the current fiscal year.

5. The controller, before issuing any requisition upon the State Auditor for payment out of the State Treasury of any funds placed to the credit of any administrative unit, under the provisions of Chapter seven hundred and sixty-nine, Public Laws of one thousand nine hundred and forty-three, shall satisfy himself.

a. That funds are lawfully available for the payment of such requisition; and

b. Where the order covers salary payment to any employee or employees, that the amount thereof is within the salary schedule or salary rating of the particular employee.

6. The controller, under the direction of the board, shall purchase, through the Division of Purchase and Contract, all school buses to be used as replacements of old publicly owned buses, both as to chassis and bodies, under the provisions of Section twenty-six of the Machinery Act. He shall allocate all replacement buses so purchased to the various administrative units.

7. Under the direction of the board, the controller shall procure, through the Division of Purchase and contract, a contract or contracts for the purchase of the estimated needs and requirements of the several administrative units covering the items of fuel, gasoline, grease, tires, tubes, motor oil, janitors' supplies, instructional supplies, including supplies used by the State Board of Education, textbooks, and all other supplies the payment for which is made from funds committed to the administration of the board.

8. The controller, under the direction of the board, shall have jurisdiction in all school bus transportation matters and in the establishment of all school bus routes, under the provisions of Section twenty-five of the Machinery Act.

9. The controller, in cooperation with the State Auditor, shall have jurisdiction in the auditing of all school funds, under the provisions of Section twenty-one of the Machinery Act, and also in the auditing of all other funds which by law are committed to the administration of the board.

10. The controller shall attend all meetings of the board and shall furnish all such information and data concerning the fiscal affairs of the board as the board may require.

11. The controller, subject to the approval of the board, shall employ all necessary employees who work under his direction in the administration of the fiscal affairs of the board.

12. Upon all matters coming within the supervision and management of the controller, he shall report directly to the board.

13. The controller shall perform such other duties as may be assigned to him by the board from time to time.

14. The controller shall furnish to the superintendent such information relating to fiscal affairs as may be necessary in the administration of his official duties.

Adoption of textbooks.

SEC. 11. General regulations.

A majority vote of the whole membership of the board shall be required to adopt textbooks, and a roll call vote shall be had on each motion for such adoption or adoptions. A record of all such votes shall be kept in the minute book.

Board meetings.

Meetings of the board. The regular meetings of the board shall be held each month on a day certain, as determined by the board, in the Education Building at Raleigh. The hour of meeting and the meetings may be continued from day to day, or to a day certain, until the business before the board has been disposed of.

Special meetings. Special meetings of the board may be set at any regular meeting or may be called by the secretary upon the approval of the chairman. In case of regular meetings and special meetings, the secretary shall give notice to each member, in writing, of the time and purpose of the meeting, by letter directed to each member at his home post office address. Such notice must be deposited in the Raleigh Post Office at least five days prior to the date of meeting. Special meetings.

Presiding officer. The chairman of the board shall preside at all meetings of the board. In the absence of the chairman, the vice chairman shall preside; and in the absence of both the chairman and the vice chairman, the board shall name one of its own members as chairman pro tempore. Presiding officer.

Voting. No voting by proxy shall be permitted. Except in voting on textbook adoptions, all voting shall be viva voce unless a record vote or secret ballot is demanded by any member. The chairman shall not vote except in cases when his vote is necessary to break a tie. The secretary, as a board member, is entitled to vote on all matters before the board. Voting.

The board shall make all other rules and regulations necessary to carry out the purpose and intent of this Act. Other regulations.

SEC. 12. Chapter three hundred and fifty-eight, Public Laws of one thousand nine hundred and thirty-nine, referred to herein as the School Machinery Act, and all amendatory laws thereof are hereby amended as follows: Amending Local Machinery Act.

By striking out the word "Comptroller" wherever it appears in the Act and substituting in lieu thereof the word "Controller."

SEC. 13. The following laws and clauses of laws are hereby repealed: Repealing certain laws.

Sections ten and eleven of Chapter three hundred and fifty-eight, Public Laws of one thousand nine hundred and thirty-nine.

SEC. 14. All laws and clauses of laws in conflict with this Act are repealed to the extent of such conflict. Conflicting laws repealed.

SEC. 15. This Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-five.

Ratified this the 13th day of March, 1945.

H. B. 420 **CHAPTER 531**

AN ACT TO AMEND CHAPTER NINETY-SIX, GENERAL STATUTES OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED AND FORTY-THREE, SO AS TO LIMIT THE DEFINITION OF THE WORDS "EMPLOYING UNIT" AND EXPAND THE DEFINITION OF THE WORD "EMPLOYER."

The General Assembly of North Carolina do enact:

Amending certain 1943 Act.

SECTION 1. That Article two, Section ninety-six - eight, Subsection (e), General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by striking out of said Subsection (e) the third sentence thereof.

SEC. 2. That Article two, Section ninety-six - eight, Subsection (f), General Statutes of North Carolina, one thousand nine hundred and forty-three, be amended by adding thereto another paragraph numbered "(8)" to read as follows:

Limiting definition of "employing unit."

(8) Any employing unit, which contracts with or has under it any contractor or subcontractor for any employment which is part of its usual trade, occupation, profession, or business, and each such contractor or subcontractor irrespective of place of performance of contract; *provided,* the employing unit would be an employer by reason of any other paragraph of this subsection if it were deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged in performing such employment. Each such employing unit shall give the commission notice of any such contractual relationship according to rules and regulations prescribed by the commission.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 454 **CHAPTER 532**

AN ACT TO AMEND SECTION ONE HUNDRED AND SIXTY - ONE HUNDRED AND SEVENTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO EXEMPT THE COUNTY OF WAKE FROM THE OPERATION OF A PORTION THEREOF.

The General Assembly of North Carolina do enact:

Exempting Wake County from certain portions of general laws relating to zoning.

SECTION 1. That Section one hundred and sixty - one hundred and seventy-three of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

The portion of this section beginning with the word "Provided" in line twelve shall not apply to the County of Wake, provided that this Act shall not affect the status of any property now zoned under the provisions of said section, and as to such property said Section one hundred and sixty - one hundred and seventy-three shall be and remain in full force and effect.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 457 **CHAPTER 533**

AN ACT TO AMEND CHAPTER FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO "CONTEMPT."

The General Assembly of North Carolina do enact:

Amending law relating to contempt.

SECTION 1. Chapter five, Section six, of the General Statutes of North Carolina is hereby amended as follows:

1. By inserting after the comma following the clause "or the Utilities Commission" in line six and before the word "has" the words "or members of the Industrial Commission."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 473 CHAPTER 534

AN ACT TO AMEND ARTICLE FOUR, CHAPTER ONE HUNDRED AND FORTY-SEVEN, OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE DISTRIBUTION OF COPIES OF THE SESSION LAWS AND OTHER STATE PUBLICATIONS.

The General Assembly of North Carolina do enact:

Amending law relating to distribution of Session Laws and Supreme Court Reports.

SECTION 1. Chapter one hundred and forty-seven, Section forty-five, of the General Statutes of North Carolina is hereby amended as follows:

1. By striking out in line forty-three the figure "3" under Session Laws and inserting in lieu thereof the figure "4" and by striking out in line forty-three the figure "3" under the Supreme Court Reports and inserting in lieu thereof the figure "4."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 526 CHAPTER 535

AN ACT TO AMEND THE LAW RELATING TO GRAND JURIES IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to grand juries in McDowell County.

SECTION 1. That Section nine - twenty-five of the General Statutes of North Carolina be and the same is hereby amended by inserting therein, immediately after the word "Pitt," appearing in line eleven, the words "or McDowell."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 541 CHAPTER 536

AN ACT TO AUTHORIZE THE LEVY OF SPECIAL TAXES BY THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY FOR POOR RELIEF, OLD AGE ASSISTANCE, DEPENDENT CHILDREN, WELFARE AND OTHER LIKE PURPOSES.

The General Assembly of North Carolina do enact:

Authorizing special taxes in Mecklenburg County for poor relief, old age assistance and other similar purposes.

SECTION 1. The Board of Commissioners of Mecklenburg County is authorized to provide by taxation for the support of needy persons entitled to receive assistance in the county. They may provide for the operation and maintenance of a county home for the aged and infirm and employ some competent person as superintendent of such county home. The board of county commissioners of said county is hereby authorized to levy, impose and collect special taxes required for the special and necessary purposes set forth above in addition to any taxes authorized by any other special or general Act and in addition to the constitutional limit of taxes levied for general county purposes, it being the purpose of the General Assembly hereby to give its approval for the levy of such special taxes for such necessary purposes.

Said special taxes not to exceed 15 cents on $100.00 value.

SEC. 2. The taxes levied under this Act shall not exceed fifteen cents (15c) on the one hundred dollars ($100.00) valuation of taxable property in said county.

Applies only to Mecklenburg County.

SEC. 3. This Act shall apply only to Mecklenburg County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent, and only to the extent, of such conflict.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 548 CHAPTER 537

AN ACT PROVIDING FOR ISSUANCE OF ADDITIONAL REFUNDING BONDS BY THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Authorizing Hendersonville to issue additional refunding bonds.

SECTION 1. That any unissued bonds of the City of Hendersonville authorized to be issued by the bond ordinance passed by the board of commissioners of said city on the ninth day of December, one thousand nine hundred and thirty-seven, and entitled "An Ordinance with Respect to $2,490,711.78 Refunding

Bonds of the City of Hendersonville, Henderson County, North Carolina," may be hereafter issued pursuant to said bond ordinance and pursuant to all laws providing for the issuance thereof which were in force and effect at the time of passage of said bond ordinance, notwithstanding the limitation of time within which bonds may be issued as provided in Section three hundred and eighty-nine of Chapter one hundred and sixty of the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

In effect until March 5, 1947.

SEC. 3. That this Act shall be in force and effect from and after its ratification and until the fifteenth day of March, one thousand nine hundred and forty-seven.

Ratified this the 13th day of March, 1945.

H. B. 550 CHAPTER 538

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICIALS IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Relating to compensation of Clerk of Superior Court of Wilkes County.

SECTION 1. That in addition to the salary now paid him by authority of Section one of Chapter five hundred and eighty-seven of the Public-Local Laws of one thousand nine hundred and eleven, and in addition to the compensation he now receives as Judge of the Juvenile Court, the Clerk of the Superior Court of Wilkes County shall receive fifty dollars ($50.00) per month.

Register of Deeds of Wilkes County.

SEC. 2. That in addition to the salary now paid him by authority of Section two of Chapter five hundred and eighty-seven of the Public-Local Laws of one thousand nine hundred and eleven, the Register of Deeds of Wilkes County shall receive fifty dollars ($50.00) per month.

Sheriff of Wilkes County.

SEC. 3. That in addition to the salary now paid him under existing law, the Sheriff of Wilkes County shall receive fifty dollars ($50.00) per month.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 556 CHAPTER 539

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO THE RECORDER'S COURT OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Amending 1943 Act relating to Recorder's Court in Union County.

SECTION 1. That Section three of Chapter two hundred and forty of the Session Laws of one thousand nine hundred and forty-three be amended as follows:

By inserting a comma after the word "clerk" in line three of Section three and by inserting after said comma the words, "or any deputy clerk,".

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 13th day of March, 1945.

H. B. 592 CHAPTER 540

AN ACT AMENDING CHAPTER FOUR HUNDRED AND NINETY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE AND AUTHORIZING THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY TO FIX THE SALARY OF THE COUNTY ACCOUNTANT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Relating to County Accountant of Haywood County.

SECTION 1. That Section six of Chapter four hundred and ninety-seven of the Public-Local Laws of one thousand nine hundred thirty-three shall be and the same is hereby amended by striking out in lines three and four of said section the words "not to exceed the sum of eighteen hundred dollars per year," and by inserting the word "annual" before the word "salary" in line two of said section.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 603 CHAPTER 541

AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO LEVY A SPECIAL TAX FOR THE POOR NOT EXCEEDING FIFTEEN CENTS.

The General Assembly of North Carolina do enact:

Authorizing Cumberland County to levy special taxes for poor not in excess of 15 cents on $100.00 value.

SECTION 1. That the Board of Commissioners of Cumberland County are hereby authorized and empowered, in their discretion, to levy and collect annually a special tax, in addition to the fifteen cent levy authorized by the Constitution, for the special purpose of aid to the county poor, the maintaining of the county hospital and/or the public library and bookmobiles. Such special tax to be in addition to such special taxes as are authorized to be levied for old age assistance and aid to dependent children, and administration thereof, but such special tax for the county poor, for the county hosiptal and/or the public library and bookmobiles shall not, together with such other special taxes authorized for such purposes, exceed fifteen cents (15c) on the one hundred dollars ($100.00) valuation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 611 CHAPTER 542

AN ACT TO AUTHORIZE DRAINAGE DISTRICTS IN ROWAN AND IREDELL COUNTIES TO COOPERATE WITH THE FEDERAL GOVERNMENT IN THE IMPROVEMENT OF THE DRAINAGE OF LANDS LYING WITHIN SAID DISTRICTS.

The General Assembly of North Carolina do enact:

Authorizing drainage districts in Iredell and Rowan Counties to cooperate with Federal Government.

SECTION 1. That for the benefit of the land owners in all of the duly organized and existing drainage districts in Rowan and Iredell Counties (whether organized under the provisions of Chapter one hundred and fifty-six of the General Statutes of North Carolina, or by Public-Local or Private Laws), the Board of County Commissioners of Rowan County and the Board of County Commissioners of Iredell County are hereby authorized and empowered to cooperate with the Federal Government in the maintenance and improvement of the drainage of the land lying within the respective counties and within the now existing boundaries of the several drainage districts therein.

Authorizing certain assessments in Rowan County.

SEC. 2. That the Board of County Commissioners of Rowan County are hereby authorized and empowered, from time to time, to assess the lands within the several drainage districts therein in accordance with their classification.

In Iredell County.

SEC. 3. That the Board of County Commissioners of Iredell County are hereby authorized and empowered, from time to time, to assess the lands within the several drainage districts therein in accordance with their classification.

Procedure.

SEC. 4. That prior to the levying of any assessment under the provisions of this Act by either of the boards of county commissioners, such board shall give notice for three weeks by publication in some newspaper published in its county and also by posting a notice at the door of the courthouse and at five conspicuous places in each of the districts reciting that they propose to assess the lands within such districts to provide funds to meet or match any Federal funds which may be allotted to said districts, or either of them, for the purpose of maintenance and improvements. No lovy shall be made under the provisions of this Act except for the purposes set forth in this section.

Manner for making assessments.

SEC. 5. The assessments authorized to be made in this Act shall be made in the same manner as assessments are made on other drainage districts in Sections one hundred and fifty-six - ninety-five, et cetera, of the General Statutes of North Carolina.

Additional powers.

SEC. 6. That the powers herein granted shall be in addition to any powers granted by general, special or local laws of North Carolina and not in substitution thereof.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 615 **CHAPTER 543**

AN ACT TO AMEND SECTION EIGHT OF CHAPTER FIVE HUNDRED AND THIRTY-FIVE OF THE PUBLIC-LOCAL, LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE COMPENSATION OF THE REGISTER OF DEEDS OF BUNCOMBE COUNTY, AND TO AUTHORIZE ALLOWANCES TO THE SHERIFF AND OTHER PUBLIC OFFICIALS OF BUNCOMBE COUNTY FOR THE USE OF PRIVATE AUTOMOBILES IN THE PERFORMANCE OF OFFICIAL DUTIES; AND TO AMEND SECTION SIX OF CHAPTER TWO HUNDRED AND SEVENTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE SALARY OF THE CHAIRMAN AND TAX SUPERVISOR OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Amending 1927 Act relating to salaries in Buncombe County.

SECTION 1. Amend Section eight of Chapter five hundred and thirty-five of the Public-Local Laws of one thousand nine hundred and twenty-seven by rewriting said Section eight so that the same shall hereafter read as follows:

SEC. 8. The salaries authorized by this Act shall be in full compensation of said officers for their said services, and they shall receive no other compensation from Buncombe County; *Provided, however,* the Register of Deeds of Buncombe County shall receive such additional compensation as the Board of County Commissioners of Buncombe County may, in its discretion, fix and determine for the performance of all ex officio duties of his office and for the performance of such other duties which the said board may determine as not being primarily required of the register of deeds by virtue of his office: *Provided, further,* that the Board of County Commissioners of Buncombe County may, in its discretion, fix, allow and pay to the Sheriff of Buncombe County, his deputy or deputies, or to any county official of Buncombe County such sums and amounts as it shall deem proper and just to compensate the Sheriff of Buncombe County, his deputy or deputies, or any other public official of said county for expenses in operating a private automobile or other motor vehicle in the performance of his or their official duties.

SEC. 2. Amend Section six of Chapter two hundred and seventy-three of the Public-Local Laws of one thousand nine hundred and thirty-seven by adding a period after the word "Asheville" in the fourth line from the end of said section, and by striking out the remainder of said sentence, to-wit: "but shall not exceed the sum of thirty-six hundred ($3,600.00) dollars per annum."

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 617 CHAPTER 544

AN ACT TO FIX THE FEES OF THE REGISTER OF DEEDS OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Register of Deeds of Yancey County shall receive the following fees: Fixing certain fees of Register of Deeds of Yancey County.

For recording each warranty deed, mortgage deed, deed of trust, lease or contract, the sum of one dollar ($1.00) for the first three hundred words, and the sum of twenty cents (20c) for each one hundred additional words or fraction thereof; ten cents (10c) per name for indexing and cross indexing each warranty deed, mortgage deed, deed of trust, lease or contract; the sum of fifty cents (50c) for recording, indexing and cross indexing each chattel mortgage; the sum of ten cents (10c) for recording and indexing each certificate of birth, marriage or death.

SEC. 2. That this Act shall apply only to Yancey County. Applies only to Yancey County.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 619 CHAPTER 545

AN ACT TO FIX THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Each member of the Board of Commissioners of Hertford County shall receive as compensation ten dollars ($10.00) per diem for each meeting of the board actually attended, to be paid from the general fund of the county. Fixing compensation of Commissioners of Hertford County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 13th day of March, 1945.

H. B. 620 CHAPTER 546

AN ACT TO FIX THE SALARIES OF THE REGISTER OF DEEDS AND COUNTY ACCOUNTANT OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Relating to salaries of Register of Deeds and County Accountant of Hertford County.

SECTION 1. The Board of Commissioners of Hertford County is hereby authorized to fix the salary of the Register of deeds in an amount not exceeding two thousand two hundred and ninety dollars ($2,290.00) per annum, to be paid in twelve equal installments from the general fund of the county; and to fix the salary of the county accountant in an amount not exceeding two thousand seven hundred and fifty dollars ($2,750.00) per annum, to be paid in twelve equal installments from the general fund of the county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Becomes effective July 1, 1945.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 13th day of March, 1945.

H. B. 621 CHAPTER 547

AN ACT TO FIX THE SALARY OF THE SHERIFF OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of Sheriff of Hertford County.

SECTION 1. The Sheriff of Hertford County County shall receive a salary of two thousand five hundred dollars ($2,500.00) per annum, payable in twelve equal installments from the general fund of the county, and, in addition thereto, shall receive all fees as are now allowed by law to sheriffs for the service of process in both civil and criminal matters.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 13th day of March, 1945.

H. B. 623 **CHAPTER 548**

AN ACT TO EXTEND THE TERMS OF OFFICE OF THE BOARD OF COMMISSIONERS FOR DARE COUNTY.

The General Assembly of North Carolina do enact:

Extending term of office of Commissioners of Dare County to 4 years.

SECTION 1. That the terms of office of the Board of Commissioners for Dare County are hereby extended until the first Monday in December, one thousand nine hundred and forty-eight. The Board of Commissioners for Dare County shall be nominated and elected in one thousand nine hundred and forty-eight, and quadrennially thereafter, and shall serve for terms of four years.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 626 **CHAPTER 549**

AN ACT REGULATING THE PAY OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of Commissioners of Perquimans County.

SECTION 1. Each member of the Board of County Commissioners of Perquimans County shall receive for his services the sum of seven dollars and fifty cents ($7.50), plus mileage for each day he attends a regular or special meeting of the board of commissioners. In addition to the pay above set out for each member of the board of commissioners, the chairman of said board shall receive the sum of one hundred dollars per annum for extra work or services during the year.

Conflicting laws repealed.

SEC. 2. All laws or clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 628 CHAPTER 550

AN ACT TO REGULATE THE PAY OF JURORS IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of jurors in Perquimans County.

SECTION 1. Each juror attending regular or special terms of the Superior Court of Perquimans County shall receive as compensation three dollars per day for each day in attendance, plus mileage for one day.

Conflicting laws repealed.

SEC. 2. All laws or clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 629 CHAPTER 551

AN ACT REGULATING THE PAY OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF EDUCATION OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of Board of Education of Perquimans County.

SECTION 1. Each member of the Board of Education of Perquimans County shall receive for his services the sum of seven dollars and fifty cents ($7.50), plus mileage, for each day he attends a regular or special meeting of the board. In addition to the pay set out above for each member of the board of education, the chairman of said board shall receive the sum of one hundred dollars ($100.00) per annum, for extra work or services during the year.

Conflicting laws repealed.

SEC. 2. All laws or clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 666 CHAPTER 552

AN ACT TO AMEND CHAPTER FIFTY-NINE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, AS AMENDED, RELATING TO ELECTIONS IN THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Amending law relating to elections in Raleigh.

SECTION 1. That Articles eight, nine and ten of Chapter fifty-nine, Private Laws of one thousand nine hundred and thir-

teen, as amended, be and the same are hereby stricken out and the following inserted in lieu thereof:

ARTICLE VIII.

SECTION 1. Nomination of candidates. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioners, judge of the municipal court, or any other elective officer are to be elected under the provisions of this Act, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Monday preceding the general municipal elections. The judges and other officers of election appointed for the general municipal election shall, whenever practical, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are required for said general election. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner of either of the other two departments, or judge of the municipal court or any other elective office, shall, at least ten days prior to said primary election, file with the county board of elections a statement of such candidacy, in substantially the following form: Nomination of candidates.

STATE OF NORTH CAROLINA—COUNTY OF WAKE.

I, (.....), being first duly sworn, say that I reside at ..... Street, City of Raleigh, (or in case of candidate for judge of the municipal court, Raleigh Township) County of Wake, State of North Carolina; that I am a candidate for nomination to the office of (Mayor, or Commissioner of a particular department, or other office), to be voted upon at the primary election to be held on the ..... Monday of ....., 19....., and I hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

(Signed).....

Subscribed and sworn to (or affirmed) before me by ..... on this ..... day of ....., 19.....

(Signed).....

And shall at the same time pay to said county board of elections, to be turned over to the city treasurer, a filing fee in an amount equal to one per cent (1%) of the annual salary of the office sought. Immediately upon the expiration of the time for filing the petitions of candidates, the county board of elections shall

cause to be published for three successive days in all daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballots; and the said county board of elections shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of the signature of its chairman. Upon the said ballot the names of the candidates for mayor shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names shall appear the names of the candidates for the commissioners of the two other departments respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words "Vote for one." Like provision shall be made for the names of candidates for each other elective office provided by law. The ballots shall be printed upon plain, substantial white paper, and shall be headed "Candidates for nomination for Mayor and Commissioners of two other departments, and other offices (naming them) of City of Raleigh, North Carolina, at the primary election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

FORM OF BALLOT

(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions).

Official Primary Ballot, Candidates for nomination for Mayor and Commissioners, and other offices (naming them), of City of Raleigh, North Carolina, at the Primary Election.

For Mayor (names of candidates), (vote for one).

For Commissioner of the Department of Public Safety (names of candidates), (vote for one).

For Commissioner of the Department of Public Works (names of candidates), (vote for one).

For Judge of Municipal Court (names of candidates), (vote for one).

Official ballot—Attest: (Signature).....

Chairman County Board of Elections.

Having caused said ballot to be printed, the said county board of elections shall cause to be delivered at each polling place such number of said ballots as may be necessary. The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the City of Raleigh under such rules as may be prescribed by the election

laws of the State of North Carolina, and such challenge shall be passed upon by the judges of election and registrars; *provided, however*, that the law applicable to challenges at a general municipal election shall be applicable to challenge made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the county board of elections, upon blanks to be furnished by the said county board of elections, within six hours of the closing of the polls. On the day following the said primary election, the county board of elections shall canvass such returns so received from all the polling precincts and shall make and publish in all daily newspapers of said city, at least once, the result thereof. Said canvass by the county board of elections shall be publicly made, at the city hall. The two candidates receiving the highest number of votes for mayor, and the two candidates receiving the highest number of votes for commissioner for each of the respective departments, the two candidates receiving the highest number of votes for judge of the municipal court, and the two candidates receiving the highest number of votes for any other elective office, shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor, commissioners, judge of the municipal court, and other elective officers at the next succeeding general municipal election. *Provided, however*, that if any candidate shall receive a majority of the votes for any elective office in the primary election he shall be deemed to be the sole nominee. In case only one candidate should file for each office to be voted on, the county board of elections may, at the expiration of the time for filing as herein provided, declare said candidates to be the only nominees to be voted upon at the general election, and shall declare that no primary election shall be held.

ARTICLE IX.

Elections.

SECTION 1. Elections. All primary elections, general elections and special elections in the city shall be held and conducted and supervised by the Wake County Board of Elections, and the returns thereof canvassed and the results thereof declared as provided in this Act, and in the general law of the State of North Carolina regulating municipal elections, as contained in Chapter one hundred and sixty - twenty-nine - one hundred and sixty - fifty-one of the General Statutes of North Carolina.

Municipal election.

SEC. 2. Municipal election. There shall, on Tuesday after the first Monday in May, one thousand nine hundred and forty-five and every two years thereafter, be elected a mayor (who shall also be commissioner of public accounts and finances), a commissioner of the department of public safety, a commissioner of the department of public works, who together shall constitute the Board of Commissioners of the City of Raleigh; and there

shall also, at the same time, be elected such other elective officers as may be provided by law. There shall also be elected, on the said Tuesday after the first Monday in May, one thousand nine hundred and forty-five, and every four years thereafter, at the time of the regular municipal election for the City of Raleigh, a judge of the municipal court of Raleigh, who shall be elected for a term of four years.

Ballots.

SEC. 3. Ballots. The county board of elections shall cause ballots to be printed for the municipal election as herein provided, authenticated with a facsimile signature of its chairman. Upon the said ballots the names of the said candidates for mayor shall first be placed, with a square at the left of each name, and immediately below the words "Vote for one." Following these names, shall appear the names of the candidates for the commissioners of the two departments respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words, "Vote for one"; and likewise, shall appear the names of the candidates for judge of the municipal court, with a square at the left of each name, and immediately below the words, "Vote for one"; and likewise, shall appear the names of the candidates for such other elective offices as may be provided by law. The ballots shall be printed upon plain, substantial white paper, and shall be headed "Candidates for Election for Mayor, and Commissioners of the Two Departments, and for Judge of the Municipal Court of the City of Raleigh, North Carolina, at the General Municipal Election." but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

FORM OF BALLOT

(Place a cross in the square preceding the names of the parties you favor for the respective positions).

Official Municipal Ballot, Candidates for Mayor and Commissioners and Judge of the Municipal Court of the City of Raleigh, North Carolina, at the Municipal Election.

For Mayor (names of candidates), (vote for one).

For Commissioner of the Department of Public Safety (names of candidates), (vote for one).

For Commissioner of the Department of Public Works (names of candidates), (vote for one).

For Judge of Municipal Court (names of candidates), (vote for one).

Official ballot—Attest: (Signature).....
Chairman County Board of Elections.

Qualified voters.

SEC. 4. Qualified voters. All persons entitled to vote for members of the General Assembly, if held at the time of the election provided for in the preceding section, and who have been residents of the city and precinct in which they offer to vote for four months next preceding the day of election, and shall have registered as provided herein, shall be allowed to vote for mayor, two commissioners, judge of the municipal court, and other elective officers; and no one except a resident of the city shall be eligible to any office in the corporation, except the judge of the municipal court who may be a resident of Raleigh Township.

SEC. 5. Testing qualifications of voters. The provisions made, or hereafter made, by the General Assembly, which may be in force at the time of any city election, for testing the qualification and right of any person to vote shall apply, as far as possible, to any election held under this charter, and the registrar and judges of election are hereby invested with full and ample judicial power to pass upon and decide said qualifications.

Precincts.

SEC. 6. Precincts. The county board of elections shall divide the city into such number of precincts as the board may in its discretion deem necessary for the convenience of the voters of the city; and the said board shall fix the boundaries of the said precincts, and provide in each precinct a polling place as conveniently located in the precinct as possible. If any registered voter shall remove from one precinct to another within the four months next preceding any election, he shall be entitled to vote in the said election in the precinct from which he shall have moved.

Election officials.

SEC. 7. Appointment of election officers. The county board of elections shall, as by law provided, appoint a registrar and two judges of election for each precinct in the city, all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the courthouse door and notice to be served upon such appointees, and shall give ten days' notice of a registration of voters for the said election at the courthouse door, specifying the time, place, and name of registrars for said election.

Registration.

SEC. 8. Registration. Each registrar shall be furnished by said county board of elections with registration books, and it shall be his duty, after being qualified, to perform the functions of his office fairly, impartially, and according to law; to revise the existing registration books of the precinct for which he is appointed in such manner that said books shall show an accurate list of electors previously registered in such precinct and still residing therein, and entitled to vote without requiring such electors to be registered anew; and such registrars shall also, during the period prescribed for such registration, between

the hours of nine o'clock a. m. and sunset (Sunday excepted) keep open the books for the registration of any electors residing in such city and entitled to registration, whose names do not appear in the revised list, and he shall register in said books all names of persons not so registered who may apply for registration and who are entitled to vote in said city. Each registrar shall be required to be at the polling place for his precinct on Saturdays from nine a. m. until sunset during the period of registration. He shall keep the names of white voters separate and apart from those of the colored voters, and any person offering to register may be required to take and subscribe on oath that he has resided in the State of North Carolina one year, and in the precinct in which he offers to register four months previous to the day of election, and that he is twenty-one years of age, and that he is a qualified elector of said city. If any person wilfully swear falsely in taking such oath, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars and imprisoned sixty days in the county jail. But the county board of elections, on fifteen days notice by publication in some newspaper of said city before the opening of the books, may order an entirely new registration of voters whenever they may deem it proper. The registration books shall be closed at sundown on the second Saturday before the primary election, and after the same are closed no person shall be allowed to register, except those coming of age after the books close and before or on election day, who are otherwise qualified electors of the city.

Conduct of election.

SEC. 9. Conduct of election. After being duly sworn to conduct the election fairly, impartially and according to law, the registrars and the judges of election shall open the polls, receive the ballots in the boxes provided for that purpose, administer oaths, decide all challenges on the day of election, and all questions of voting, superintend and conduct the election for municipal offices in like manner and during the same hours as elections for members of the General Assembly are conducted. The polls shall be open on the day of election from six-thirty a. m. until six-thirty p. m. and no longer.

Compensation of election officers.

SEC. 10. Compensation of election officers. The registrars and judges of the election shall receive for their services such compensation as shall be fixed by the county board of elections, but the pay of the registrars shall not exceed five dollars ($5.00) each day for the Saturdays they are required to be at the polls and the day of the election, and the judges of election shall not be paid more than five dollars ($5.00) each a day for their services; *provided*, the county board of elections may allow the registrars and judges compensation, not exceeding one day's pay, as they may deem proper, for attendance of the election officers upon the meeting of the board of canvassers.

Filling vacancies among election officials.

SEC. 11. Vacancy in office of judge or registrar. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the county board of elections at once, and if at any time the registrar is temporarily unable to act as such, the county board of elections may appoint a temporary registrar to act for him after being duly sworn; or if a vacancy should occur in said office, for any reason, then the county board of elections shall appoint to fill the vacancy.

Canvassing board.

SEC. 12. Canvassing board; duties. On the day following the day of election, the county board of elections and the registrars of the several precincts shall meet at the city hall and shall constitute the canvassing board for the said election. Said canvassing board shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the returns of the registrars and judges, and such person as shall receive the highest number of votes for mayor shall be declared elected mayor, and such person as shall receive the highest number of votes for each of the positions of commissioner shall be declared elected commissioner of the respective departments, and such person as shall receive the highest number of votes for judge of the municipal court shall be declared elected judge of the municipal court, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify under their hands and seals the results of said election, giving the names of each candidate and the number of votes received by him. Two copies of the returns of the canvassing board shall be made under the hands of the members of the said board, one of which shall be retained by the county board of elections and the other filed in the archives of the city clerk, who the same day shall publish the result of the election at the door of the city hall. Registration and poll books shall be placed in the custody of the city clerk by the county board of elections.

If of the persons voted for as mayor, commissioners of the respective departments, judge of the municipal court or any other elective office, there shall be an equal number of votes between any two candidates for like office in the municipal election in the City of Raleigh, the board of canvassers shall determine which shall be elected by lot, as provided by the general municipal election law of the State of North Carolina.

Filling vacancies among City Commissioners.

SEC. 13. Board of commissioners to fill vacancies. If any person elected mayor, commissioner, judge of the municipal court, or any other elective officer, shall refuse to be qualified, or there is a vacancy in any office after election and qualification, or if the mayor or any commissioner, judge of the municipal court, or any other elective officer, be unable to discharge the duties of his office, the board of commissioners shall choose some person for the unexpired term, or during his disability, as the

case may be, to act as mayor, commissioner, judge of the municipal court, or other elective officer, and he shall be clothed with all the authority and powers given under this charter to such regular officer; but such officer or officers so elected shall be subject to recall as other officers.

Special elections.

SEC. 14. Special elections. The board of commissioners shall have power, by appropriate resolution, to require the county board of elections to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for any other purpose provided by law. All special elections shall be held and conducted by the county board of elections, and the result canvassed and determined as provided by the laws of the State of North Carolina governing special municipal elections.

Challenge of voters.

SEC. 15. Challenge of voters. Any registered voter of the said city may at any time, before the election or on the day of election, object to the name of any person appearing upon the registration book of his precinct, and the book shall be kept open at the polling place each Saturday during the registration period before every election for inspection by the voters of the precinct. When a person is challenged the registrar shall enter upon his books, opposite the name of the person objected to, the word "Challenged," and the persons so challenged shall not be allowed to vote until the cause of the challenge shall be heard and determined under the rules and regulations prescribed by the general laws regulating the election for members of the General Assembly. As soon as any person is challenged, the registrar shall give notice in person or by mail of the same to the person so challenged. All challenges shall be heard and determined on the day of election by the registrar and judges.

Terms of office.

SEC. 16. Terms of office. The mayor, and commissioners, judge of the municipal court, and all other elective officers shall hold their offices respectively until the first day of July following the next ensuing election, and until their respective successors are elected and qualified.

Removal from city.

SEC. 17. Removal from city creates vacancy. In the case of the removal of the mayor, any commissioner, or any elective officer, from the territorial limits of said city, or of the judge of the municipal court from Raleigh Township, such removal shall, ipso facto, create a vacancy in his office.

ARTICLE X

Prohibiting bribery.

SECTION 1. To prohibit bribery. Any person giving or receiving, or any person promising to give or receive any money, property, or thing of value to secure the vote or influence of any person in any primary or general election, and any person promising to give or secure, or promising to use his influence to se-

cure, any place or position under the city government of Raleigh, in consideration of any influence or effort or vote on behalf of any candidate or candidates for office under the city government of Raleigh, shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court; and any person, a candidate for office, who shall be guilty of the offense above described shall upon conviction be ineligible to hold any office under the government of the City of Raleigh.

Sworn statements of expenses.

SEC. 2. Candidates to file sworn itemized statement of expenses. Every candidate in the city election, a city primary, or both, shall, within ten days after the election or primary, file with the county board of elections an itemized statement, under oath, showing all expenditures of money or other thing of value made by him, or by any one for him to his knowledge, in connection with or in any way for the purpose of promoting or aiding his candidacy; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court.

Conflicting laws repealed.

SEC. 2. That Chapter one hundred and twelve, Private Laws of one thousand nine hundred and thirty-five, and all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 667 CHAPTER 553

AN ACT FIXING THE SALARIES OF CERTAIN OFFICERS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Salaries of officers in Columbus County.

SECTION 1. That from and after the first day of April, one thousand nine hundred and forty-five, the following annual salaries shall be paid in Columbus County, the same to be paid in equal monthly instalments by the board of county commissioners out of the general fund.

Clerk of Court.

Clerk of the superior court, three thousand and three hundred dollars ($3,300.00)

Assistant Clerk.

Assistant clerk of the superior court, two thousand two hundred and eighty dollars ($2,280.00)

Assistant in office.

Assistant in office of clerk of superior court, one thousand and two hundred dollars ($1,200.00)

Register of Deeds.

Register of Deeds of Columbus County, three thousand and three hundred dollars ($3,300.00)

Assistant Register of Deeds.

Deputy or assistant register of deeds, one thousand eight hundred and sixty dollars ($1,860.00)

First clerk to register of deeds, one thousand and five hundred dollars ($1,500.00)

Second clerk to register of deeds, one thousand three hundred and eighty dollars ($1,380.00)

Tax Supervisor.

Tax Supervisor of Columbus County, one thousand and eight hundred dollars ($1,800.00)

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 668 CHAPTER 554

AN ACT FIXING THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of Board of Commissioners of Johnston County.

SECTION 1. Each member of the Board of County Commissioners of Johnston County shall receive for his services and expenses in attending the meetings of the board a per diem of eight dollars ($8.00) and mileage to and from the place of meeting of such board of five cents (5c) per mile.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 681 CHAPTER 555

AN ACT TO AMEND SECTION TWENTY-EIGHT - SIXTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA CONCERNING PAYMENT TO CLERK OF SUPERIOR COURT OF SUMS NOT EXCEEDING THREE HUNDRED DOLLARS ($300.00) DUE AND OWING TO INTESTATES, SO THAT THE PROVISIONS THEREOF SHALL APPLY TO CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Relating to Chatham County.

SECTION 1. Section twenty-eight - sixty-eight of the General Statutes of North Carolina, concerning payment to clerk of superior court of sums not exceeding three hundred dollars ($300.00) due and owing intestates, is hereby amended by adding the name of Chatham County to the counties listed at the end thereof as coming within the provisions of said section.

Same.

SEC. 2. That the provisions of Section twenty-eight - sixty-eight of the General Statutes of North Carolina shall hereafter apply to Chatham County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 685 CHAPTER 556

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO PROVIDE RABIES VACCINE AND OTHER SERVICES WITHOUT COST TO DOG-OWNERS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Anson County to furnish free rabies vaccine to dog owners.

SECTION 1. The Board of Commissioners of Anson County is hereby authorized and empowered, in its discretion, and pursuant to such rules and regulations as may from time to time be promulgated by said board, to furnish and supply rabies vaccine to owners of dogs in said county and pay the expenses of administering the same, free of all cost to the owners of such dogs; the board may pay the expense of carrying out the provisions of this Act from the general fund of the county or from such other fund or funds not otherwise appropriated.

Rules and regulations.

SEC. 2. The board is further authorized and empowered to promulgate rules and regulations relative to the vaccination of all dogs in the county, the time and place for the doing of same,

and the giving of notice thereof by publication and/or by mail, and provide such penalties as may be proper and necessary, not inconsistent with Sections one hundred and six - three hundred and sixty-four to one hundred and six - three hundred and eighty-seven, both inclusive, of the General Statutes, against those who fail to comply therewith.

Enforcement of regulations.

SEC. 3. That in the enforcement of this Act or any rules and regulations thereunder promulgated by said board or wherever the words "sheriff," "sheriff and his deputies," "police officer," or "deputy sheriff" are used in Sections one hundred and six - three hundred and sixty-four to one hundred and six - three hundred and eighty-seven, both inclusive, of the General Statutes the same shall be deemed to include any duly constituted law enforcement officer and rural policeman of Anson County.

Applies only to Anson County.

SEC. 4. That the provisions of this Act shall only apply to Anson County.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 691 CHAPTER 557

AN ACT TO INCLUDE ONE DOLLAR ($1.00) IN THE COSTS IN ALL CRIMINAL ACTIONS FOR CRIMES COMMITTED WITHIN THE CORPORATE LIMITS OF THE TOWN OF RUTHERFORDTON, NORTH CAROLINA, FOR MAINTENANCE OF THE POLICE CARS IN SAID TOWN.

The General Assembly of North Carolina do enact:

Costs in criminal cases in Rutherfordton.

SECTION 1. That in order to provide additional funds for the maintenance of the police cars of the Town of Rutherfordton, there shall be taxed in the bill of costs in all criminal cases wherein there is a conviction or plea of guilty for any crime committed within the corporate limits of the Town of Rutherfordton, North Carolina, either in the mayor's court, or in the court of any justice of the peace, recorders court, or superior court, and wherein the cost of the action is paid by the defendant, a fee of one dollar ($1.00), to be known as the police car maintenance fund; and the same shall be collected as all costs in criminal cases are collected; and such funds shall be turned over to the Treasurer of the Town of Rutherfordton to be paid out by him for the cost and maintenance of said police cars: *Provided,* that this Act shall not apply to any defendant who was not arrested or apprehended by a policeman or law enforcement officer in the employ of the Town of Rutherfordton.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 704 CHAPTER 558

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND THIRTY-THREE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, SO AS TO INCREASE THE AMOUNT OF THE NET PROFITS DERIVED FROM OPERATING ALCOHOLIC BEVERAGES CONTROL STORES IN HALIFAX COUNTY APPORTIONED TO THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. Section six of Chapter four hundred and thirty-three of the Session Laws of one thousand nine hundred and forty-three is hereby amended by striking out the words and figures "seventeen and one half per cent (17½%)" in line six, and inserting in lieu thereof the words and figures "twenty-five per cent (25%)"; and by striking out the words and figures "seventeen and one half per cent (17½%)" in lines nine and ten, and inserting in lieu thereof the words and figures "twenty-five per cent (25%)." Relating to liquor stores in Halifax County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-five.

Ratified this the 13th day of March, 1945.

H. B. 706 CHAPTER 559

AN ACT TO AMEND CHAPTER THREE HUNDRED TWENTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE ENTITLED "AN ACT TO FIX THE SALARIES FOR PUBLIC OFFICIALS AND EMPLOYEES IN DURHAM COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter three hundred and twenty-three of the Public Laws of one thousand nine hundred and forty-three be, and the same is hereby amended, by striking Relating to salaries of officers in Durham County.

out all of Section one after the period following the word "compensation" in line five thereof, and inserting the following:

Assistant Clerk of Court.

The Assistant Clerk of the Superior Court of Durham County shall receive three thousand three hundred dollars ($3,300.00) annually;

Deputy Clerk.

One deputy clerk, three thousand dollars ($3,000.00) annually;

Deputy Clerk.

One deputy clerk, two thousand one hundred seventy-eight dollars ($2,178.00) annually;

Deputy Clerk.

One deputy clerk, one thousand nine hundred eighty dollars ($1,980.00) annually.

Deputy Sheriffs.

SEC. 2. That Section two of said chapter be, and the same is hereby amended, by striking out all of Section two after the colon following the word "compensation" in line four thereof, and inserting the following:

Six deputy sheriffs, who are to be paid as follows:

Deputies who have served for a period of thirty (30) years or more, two thousand seven hundred dollars ($2,700.00) each, annually;

Deputies who have served for a period of twenty (20) years and less than thirty (30) years, two thousand six hundred forty dollars ($2,640.00) each, annually;

Deputies who have served for a period of ten (10) years and less than twenty (20) years, two thousand five hundred eighty dollars ($2,580.00) each, annually;

Deputies who have served for a period of five (5) years and less than ten (10) years, two thousand five hundred twenty dollars ($2,520.00) each, annually;

Deputies who have served for a period of less than five (5) years, two thousand four hundred sixty dollars ($2,460.00) each, annually;

Two jailers, two thousand one hundred dollars ($2,100.00) each, annually;

One clerk, one thousand nine hundred twenty dollars ($1,920.00) annually;

Two special deputies, five dollars ($5.00) per day each for days served.

That the six deputies above referred to shall be required to maintain telephones in their homes at their own expense. That the salaries paid to said deputies shall be in lieu of all other compensation.

SEC. 3. That Section four of said chapter be, and the same is hereby amended, by striking out all of said Section four after the semicolon following the word "annually" in line ten thereof, and inserting the following:

One assistant clerk, two thousand one hundred dollars ($2,100.00) annually;

The chief deputy clerk, one thousand eight hundred ($1,800.00) dollars annually;

The second deputy clerk, one thousand six hundred eighty dollars ($1,680.00) annually;

The third deputy clerk, one thousand two hundred sixty dollars ($1,260.00) annually.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. B. 719 CHAPTER 560

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-SIX OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN - SAME BEING AN ACT TO PROVIDE FOR THE OFFICE OF TAX COLLECTOR FOR WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter one hundred and seventy-six of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and thirty-seven, be, and the same is, hereby amended by the striking out of lines thirteen and fourteen of said section the following: "three thousand two hundred dollars ($3,200.00) per year," and inserting in lieu thereof: three thousand six hundred dollars ($3,600.00) per year. Increasing salary of Tax Collector of Wake County.

SEC. 2. That this Act shall be in force and effect from and after July first, one thousand nine hundred and forty-five. Effective July 1, 1945.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

Ratified this the 13th day of March, 1945.

H. B. 720 CHAPTER 561

AN ACT TO AMEND SECTION SIXTY-SEVEN - THIRTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA SO FAR AS SAME MAY RELATE TO WAKE COUNTY.

The General Assembly of North Carolina do enact:

Relating to damages by dogs in Wake County.

SECTION 1. That Section sixty-seven - thirteen be amended by adding at the end thereof the following:

Provided that in Wake County, instead of the method contained in this section for the determining and payment of damage done by dogs, said damage shall be determined and paid as follows:

A. The damage shall be reported to the sheriff of said county as soon as practicable and not later than two days after said damage has been discovered.

B. That upon report from a taxpayer of Wake County that his property in Wake County has been damaged or destroyed by dogs other than his own, the sheriff of said county shall at once direct two of his deputies to investigate the report.

C. Said deputies shall forthwith make investigation of the report and ascertain the extent of the damage done and the amount of damages and shall make a written report to the County Commissioners of Wake County upon forms furnished by the said commissioners. Said report shall set forth the damage done and whether by dogs other than dogs belonging to the owner; a description of the property damaged or destroyed; whether the property damaged or destroyed was owned by the taxpayer at the last listing period and whether the same was listed for taxes.

D. The report of the said deputies shall be delivered by them to the Register of Deeds of Wake County, ex officio secretary to the board of county commissioners, and shall likewise deliver a copy of said report either in person or by registered mail to the person complaining of and reporting the damage. If the owner of the damaged property is dissatisfied with the said report, he may appear before the county commissioners at the next regular meeting and offer proof as to the damage and the county commissioners may, in their discretion if they find that the report is not just, modify and correct the same; or they may, in their discretion, appoint three (3) freeholders of the county to investigate the damage and make report to the commissioners. If the commissioners are dissatisfied with the report made by the said deputies, they may, in their discretion, appoint three (3) freeholders of the county to make an investigation of the damages and make report to the commissioners.

E. Upon ascertaining the damages as herein provided for, the commissioners shall order the same paid out of any monies arising from the tax on dogs as provided for in Section sixty-seven - thirteen of the General Statutes of North Carolina.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

S. B. 87 **CHAPTER 562**

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFY-THREE OF THE GENERAL STATUTES RELATIVE TO COUNTY POOR RELIEF SO AS TO ELIMINATE CONFLICTS WITH THE PROVISIONS OF THE OLD AGE ASSISTANCE AND AID TO DEPENDENT CHILDREN ACT AND TO ENABLE COUNTY COMMISSIONERS TO LEVY TAXES FOR POOR RELIEF.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one hundred and fifty-three - one hundred and fifty-two by adding at the end of the first paragraph the following: Relating to county poor relief.

The board of county commissioners of each county is hereby authorized to levy, impose and collect special taxes upon all taxable property, not to exceed five cents on the one hundred dollars valuation, required for the special and necessary purposes set forth above in addition to any taxes authorized by any other special or general act and in addition to the constitutional limit of taxes levied for general county purposes, it being the purpose of the General Assembly hereby to give its approval for the levy of such special taxes for such necessary purposes.

SEC. 2. Amend Section one hundred and fifty-three - one hundred and sixty by adding at the end of said section the following:

Nothing contained herein shall be construed to prevent any county from rendering assistance to needy persons living within the county even though such persons may not have lived in the county for the length of time required to establish legal settlement and if such needy persons are eligible for old age assistance, aid to dependent children or any type of general assistance in which State and Federal funds are involved, assistance may be granted, provided funds are available.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

S. B. 152 CHAPTER 563

AN ACT TO ESTABLISH AND FIX THE COMPENSATION OF THE SHERIFF OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of Sheriff of Madison County.

SECTION 1. The Sheriff of Madison County shall receive as compensation for his services in addition to the fees now allowed the said sheriff by law the sum of two thousand and four hundred dollars ($2,400.00) per annum, the same to be paid in twelve equal monthly payments out of the general fund of Madison County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws, and particularly all laws and clauses of laws contained in Chapter forty-eight of the Public-Local Laws of one thousand nine hundred and thirty-one and Chapter two hundred and thirty-one of the Public-Local Laws of one thousand nine hundred and thirty-three, in conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

S. B. 190 CHAPTER 564

AN ACT TO AMEND SECTIONS TWENTY - EIGHTY-SEVEN AND ONE HUNDRED AND SIXTY - TWO HUNDRED OF THE GENERAL STATUTES RELATING TO PASSENGER VEHICLES FOR HIRE.

The General Assembly of North Carolina do enact:

Amending law relating passenger vehicles for hire.

SECTION 1. Subsection (c) of Section twenty - eighty-seven of the General Statutes of North Carolina is hereby amended by inserting a semicolon in lieu of the period at the end thereof and adding the following: *Provided, however,* no license shall issue for the operation of any taxicab until the governing body of the city or town in which such taxicab is principally operated, if the principal operation is in a city or town, has issued a certificate showing

Taxicabs must carry liability insurance.

(a) that the operator of such taxicab has provided liability insurance or other form of indemnity for injury to persons or

damage to property resulting from the operation of such taxicab, in such amount as required by the city or town, and

(b) that the convenience and necessity of the public requires the operation of such taxicab.

Must be needed by public.

All persons operating taxicabs on January first, one thousand nine hundred and forty-five shall be entitled to a certificate of necessity and convenience for the number of taxicabs operated by them on such date, unless since said date the license of such person or persons to operate a taxicab or taxicabs has been revoked or their right to operate has been withdrawn or revoked; *provided* that all persons operating taxicabs in Union, Lee, Edgecombe and Nash Counties on January first, one thousand nine hundred and forty-five shall be entitled to certificates of necessity and convenience only with the approval of the governing authority of the town or city involved.

Defining taxicab.

A taxicab shall be defined as any motor vehicle, seating nine or fewer passengers, operated upon any street or highway on call or demand, accepting or soliciting passengers indiscriminately for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, and shall not include motor vehicles or motor vehicle carriers as defined in Subsection (k) of Section sixty-two - one hundred and three of the General Statutes. Such taxicab shall not be construed to be a common carrier nor its operator a public service corporation.

Rates charged by taxicabs.

SEC. 2. Subsection thirty-six a of Section one hundred and sixty - two hundred of the General Statutes of North Carolina is hereby amended by adding the following sentence at the end thereof: The governing body is also authorized to establish the rates which may be charged by taxicab operators, and may grant franchises to taxicab operators on such terms as it deems advisable.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

S. B. 197 CHAPTER 565

AN ACT TO AUTHORIZE THE CITY OF KINGS MOUNTAIN TO DISINTER THE BODIES OF TWO UNKNOWN PERSONS AND REMOVE THE SAME TO ANOTHER PORTION OF THE CEMETERY.

WHEREAS, the City of Kings Mountain owns and operates for the public convenience and necessity Mountain Rest Cemetery; and

WHEREAS, its official records indicate that lot number two hundred and thirteen thereof has been sold and conveyed to Mr. P. B. Harmon, deceased, and lot number two hundred and fourteen has by said records never been sold or conveyed; and

WHEREAS, at some time, a body has been erroneously interred on lot two hundred and thirteen, which said lot is the property of Mr. P. B. Harmon, deceased; and

WHEREAS, at some time a body has been erroneously interred on lot two hundred and thirteen and a portion of two hundred and fourteen, which said lot is the property of the City of Kings Mountain; and

WHEREAS, the heirs of Mr. P. B. Harmon state that they have never granted permission to any person or persons to inter a body on their lot, nor any portion thereof, and that they are without knowledge of the identity of the said bodies interred thereon, nor of the time of the interments; and

WHEREAS, the said heirs of P. B. Harmon, deceased, have formally requested the officials of the City of Kings Mountain to remove the said bodies as their family will need, and require all of said lot two hundred and thirteen for burial purposes for the remaining members of their family, and they do not desire to have a stranger or unknown person interred thereon; and

WHEREAS, after a diligent search of the records and thorough investigation, the officials of the City of Kings Mountain have been unable to identify the bodies interred on lots two hundred and thirteen and two hundred and fourteen, or to identify the next of kin of the persons interred on lots two hundred and thirteen and two hundred and fourteen, and are therefore unable to comply with the General Statutes in effect in this State in regard to the removal of graves: *Now, therefore,*

The General Assembly of North Carolina do enact:

Authorizing Kings Mountain to disinter two unknown bodies in Mountain Rest Cemetery.

SECTION 1. That the City of Kings Mountain is hereby authorized to disinter the bodies now interred on lots two hundred and thirteen and two hundred and fourteen of Mountain Rest Cemetery and to remove said bodies to another portion of the cemetery. The officials in making such disinterments shall do so in a proper and decent manner, and, if necessary, furnish suitable coffins or boxes for reinterment of said remains. All of said work shall be done under the supervision of the city manager or his representative and all expenses connected with said removal of the bodies shall be borne by the City of Kings Mountain. The officials of the City of Kings Mountain shall make a complete and adequate transfer of bodies herein authorized.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification. Conflicting laws repealed.

Ratified this the 14th day of March, 1945.

S. B. 217 CHAPTER 566

AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICIALS OF PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That each member of the Board of County Commissioners of Pitt County, including the chairman, shall receive as full compensation for his services the sum of five dollars ($5.00) per day for each day spent in performing his duties as county commissioner, plus mileage at the rate of five cents (5c) per mile going to and returning from the place where such business is transacted. Fixing compensation of Commissioners of Pitt County.

SEC. 2. That the Clerk of the Superior Court of Pitt County shall receive as full compensation for the performance of his duties as clerk a salary of three thousand six hundred dollars ($3,600.00) per annum, payable monthly. The Board of County Commissioners of Pitt County is hereby authorized and empowered to grant to the clerk of the superior court an allowance for office employees. Said allowance shall not be in excess of four thousand two hundred dollars ($4,200.00) per annum. Clerk of Superior Court.

SEC. 3. That the Register of Deeds of Pitt County shall receive as full compensation for the performance of his duties as register of deeds the sum of three thousand six hundred dollars ($3,600.00) per annum, payable monthly. The Board of County Commissioners of Pitt County is hereby authorized and empowered to grant an allowance to the register of deeds for office employees. Said allowance shall not be in excess of five thousand five hundred dollars ($5,500.00) per annum. Register of Deeds.

SEC. 4. That the Sheriff of Pitt County shall receive as full compensation for the performance of his duties as sheriff the sum of three thousand six hundred dollars ($3,600.00) per annum, payable monthly. The Board of County Commissioners of Pitt County is hereby authorized and empowered to grant to the sheriff a sum not in excess of nine hundred dollars ($900.00) per annum, for travel expenses. The board of county commissioners is also authorized and empowered to pay to each Deputy Sheriff of Pitt County, not to exceed two in number, an amount not in excess of nine hundred dollars ($900.00) for travel expenses, for each year. Sheriff.

The Sheriff of Pitt County is hereby authorized and empowered to employ an office deputy sheriff who shall receive a salary of one thousand two hundred dollars ($1,200.00) per annum, payable monthly, to be paid from county funds.

Validating certain prior salaries.

SEC. 5. That all salaries and allowances heretofore made by the Board of County Commissioners of Pitt County to the clerk of the superior court, the register of deeds and the sheriff or deputy sheriffs, not in excess of the amounts authorized by this Act, are hereby in all respects ratified, validated and confirmed.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 14th day of March, 1945.

S. B. 286 **CHAPTER 567**

AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO ANGLERS' LICENSE REQUIREMENTS.

The General Assembly of North Carolina do enact:

Amending law relating to license requirements for anglers.

SECTION 1. That Section one hundred and thirteen - one hundred and forty-three of the General Statutes of North Carolina be amended by striking out the comma after the word "North Carolina" in line nine and inserting a period in lieu thereof, and by striking out beginning with the word "other" in line nine to the end of the section.

Changing fees.

SEC. 2. That Section one hundred and thirteen - one hundred and forty-four of the General Statutes of North Carolina be amended by striking out the words and figures "two ((($2.00) dollars" in line eight and inserting in lieu thereof the words and figures "three ($3.00) dollars" and by adding at the end of said section the following: *Provided* that fifty (50c) cents of this fee shall be set aside as a special fund for the purchase and lease of lands and waters to be developed for the protection and propagation of fish and for the acquisition by lease or purchase of waters for public fishing.

SEC. 3. That Section one hundred and thirteen - one hundred and forty-five of the General Statutes of North Carolina be amended by striking out the words and figures "five ($5.00) dollars" in line eight and inserting in lieu thereof the words and figures "six $6.00) dollars," and by inserting the following between the colon and the word "Provided" in line fourteen: "*Provided* that fifty (50c) cents of the 'nonresident State fishing li-

cense' fee referred to above shall be set aside as a special fund for the purchase and lease of lands and waters to be developed for the protection and propagation of fish and for the acquisition by lease or purchase of waters for public fishing:", and by inserting the word "further" immediately after the word "provided" in line fourteen.

SEC. 4. That Section one hundred and thirteen - one hundred and forty-six of the General Statutes of North Carolina be amended by rewriting said section so that same shall hereafter read as follows:

County Licenses. Any person who has lived in any county in North Carolina for a period of six months is deemed a resident of that county for the purpose of this Act and upon application to the Director of the Department of Conservation and Development, his assistants, wardens, or agents authorized to issue licenses, and the presentation of satisfactory proof that he is a resident of the county, shall, upon the payment of one dollar ($1.00) for the use of the department and ten cents (10c) for the use of the official authorized to issue licenses, be entitled to a "resident county fishing license," which will authorize the licensee to fish in any of the waters of that county: *Provided,* that said resident county license shall be required only of those persons using lures or baits of an artificial type. Artificial lures or baits are defined as lures or baits which are made by hand or manufactured and which are not available as natural fish foods.

SEC. 5. That Section one hundred and thirteen - one hundred and forty-eight of the General Statutes of North Carolina be amended by striking out beginning with the word "There" in line twenty-nine through to the end of the section.

SEC. 6. That Section one hundred and thirteen - one hundred and fifty-two of the General Statutes of North Carolina be amended by striking out beginning with the word "No" in line seven through to the end of the section.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after the first day of January, one thousand nine hundred and forty-six.

Effective January 1, 1946.

Ratified this the 14th day of March, 1945.

S. B. 315 CHAPTER 568

AN ACT TO AMEND CHAPTER NINETY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-FIVE OF NORTH CAROLINA, RELATING TO THE CHARTER OF THE TOWN OF BELMONT.

The General Assembly of North Carolina do enact:

Amending Charter of Belmont.

SECTION 1. That the official name of the Town of Belmont, a municipal corporation situate in Gaston County, North Carolina, be, and the same is hereby, changed to "City of Belmont," and the word "town," wherever it appears in Chapter ninety-seven, Private Laws of one thousand eight hundred ninety-five, and all Acts amendatory thereto, be, and the same is hereby stricken out and the word "city" is hereby inserted in lieu thereof: *Provided,* this section shall not affect pending litigation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

S. B. 325 CHAPTER 569

AN ACT TO AMEND SECTION TWENTY - EIGHTY-EIGHT (a) AND SECTION TWENTY - ONE HUNDRED AND EIGHTEEN (h) OF THE GENERAL STATUTES RELATING TO LICENSING FOUR AXLE VEHICLES OR COMBINATION OF VEHICLES CONSISTING OF FOUR AXLES OR MORE.

The General Assembly of North Carolina do enact:

Amending law relating to licensing motor vehicles.

SECTION 1. That Subsection (a) of Section twenty - eighty-eight of the General Statutes be amended by adding a new paragraph to the end thereof to read as follows:

In licensing truck tractors to be used in connection with a trailer or semi-trailer, the license on the truck tractor may be limited to twenty-thousand pounds gross weight and any weight in excess of twenty thousand pounds may be licensed on the trailer or semi-trailer.

SEC. 2. That Subsection (h) of Section twenty - one hundred and eighteen of the General Statutes be amended by striking out the period at the end of said subsection and inserting in lieu thereof a comma and adding the following: unless used in connection with a combination consisting of four axles or more.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 14th day of March, 1945.

S. B. 342 **CHAPTER 570**

AN ACT TO AMEND CHAPTER TWENTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-THREE, RELATING TO THE CHARTER OF THE TOWN OF MARS HILL, MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter twenty of the Public-Local Laws of one thousand eight hundred and ninety-three be amended by striking out all of Section three of said Act, and inserting in lieu thereof, the following: Amending Charter of Mars Hill.

SEC. 3. That the officers of said Town of Mars Hill shall consist of a mayor, and three aldermen or commissioners, to be chosen at a regular election, which election shall be held on Tuesday after the first Monday in May, every two years, said officials shall hold their office for a period of two years or until their successors are elected and qualified. Said election to be held on the first Tuesday after the first Monday in May, one thousand nine hundred and forty-five, and biennially thereafter. Officers, election, and term of office.

SEC. 2. That said officials shall have the power and authority to appoint and/or discharge a town marshal or policeman, and shall also have the power and authority to fix the compensation of said policeman, and shall also have the power and authority to fix the compensation of the mayor and board of aldermen, or any other employees of said town. Powers.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 31 CHAPTER 571

AN ACT TO AMEND SECTION ONE HUNDRED AND SIX - THREE HUNDRED AND SEVENTY-TWO, CHAPTER ONE HUNDRED AND SIX OF THE GENERAL STATUTES OF NORTH CAROLINA PROVIDING FOR THE COLLECTION OF DOG TAXES BY RABIES INSPECTORS AT THE TIME OF VACCINATION.

The General Assembly of North Carolina do enact:

Amending law relating collection of dog taxes.

SECTION 1. That a new section be added to Chapter one hundred and six of the General Statutes, to be designated as Section one hundred and six - three hundred and seventy-two point one, said section to read as follows:

Rabies inspector to collect dog tax.

SEC. 106-372.1. Rabies inspector to collect dog tax-fee for vaccination. The rabies inspector shall collect from the owner of each dog vaccinated as provided in Section one hundred and six - three hundred and sixty-eight, the full amount of the tax imposed by Section sixty-seven - five of the General Statutes. The rabies inspector shall be furnished with forms of receipt books to be used in collecting such dog taxes and, at the time same is collected, shall send carbon copies thereof to the county auditor and to the sheriff or tax collector of the county and on the said receipt books shall be kept stubs provided for such purpose, the name of the taxpayer, the amount paid, and the date of collection. The rabies inspector shall, by the end of each month in which said taxes are collected, pay over to the sheriff or tax collector of the county the amount of dog taxes collected by him after deducting therefrom for his services in vaccinating such dogs, seventy-five cents (75c) for each dog vaccinated and five cents (5c) for each dog vaccinated for his services in making such reports. The sheriff or tax collector of the county shall give the taxpayer credit on the tax books for the full amount of the tax so paid by the taxpayer: *Provided*, in cases where the dogs are vaccinated in accordance with Section one hundred and six - three hundred and seventy-one, the rabies inspector shall collect from the owner of the dog twenty-five cents (25c) additional for each dog vaccinated, which additional amount shall be retained by the inspector.

This section shall be in full force and effect in lieu of the provisions of Section one hundred and six - three hundred and seventy-two in those counties in the State in which the boards of county commissioners shall, on or before the first day of July in any year, accept the provisions hereof as applicable to that county by resolution duly adopted and spread upon the minutes of the board, and thereafter the provisions of Section one hundred and six - three hundred and seventy-two shall not be applicable to that county. That upon adoption of this provision,

it shall be applicable for the year beginning January first thereafter, and shall thereafter remain in full force and effect.

The sheriff or tax collector of any county shall be, notwithstanding the provisions of this section, fully authorized and empowered to collect any taxes due by the taxpayer which have not been collected in the manner above provided. The boards of county commissioners are authorized to pay the premiums on the bonds required of rabies inspectors for the forthcoming of the dog taxes collected under the authority of this section, *Provided*, that this Act shall not apply to Bladen, Pender, Alamance, Madison, Cabarrus, Durham, Burke, Wilkes, Ashe, Stokes, Surry, Scotland, Robeson, Sampson, Rowan, Stanly, Anson, Pitt, Iredell, Catawba and Rutherford Counties.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 103 CHAPTER 572

AN ACT TO AMEND SECTION NINETY - FIFTY-SEVEN, SECTION NINETY - SIXTY-FOUR, AND SECTION NINETY - SIXTY OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE NORTH CAROLINA PHARMACEUTICAL ASSOCIATION.

The General Assembly of North Carolina do enact:

Amending law relating to Pharmaceutical Association.

SECTION 1. Amend Section ninety - fifty-seven of the General Statutes of North Carolina by inserting immediately after the word "employ" and before the word "an" in line nine of said section the words "inspectors, chemists, and."

Relating to license fees.

SEC. 2. Amend Section ninety - sixty-four of the General Statutes of North Carolina by striking out the words "the same fees as are required of other candidates for license" as the same appears in the last two lines of said section, and inserting in lieu thereof the following: "a fee of twenty-five dollars ($25.00)," so that the last sentence in said section as amended by this amendment shall read as follows:

All applicants for license under this section shall, with their application, forward to the Secretary of the Board of Pharmacy a fee of twenty-five dollars ($25.00).

SEC. 3. Amend Section ninety - sixty of the General Statutes of North Carolina by inserting after the semicolon appearing immediately after the word "dollars" and immediately before

the word "for" as the same appears in line six of said section the following: "for licenses without examination as provided in Section ninety - sixty-four original twenty-five dollars ($25.00) and renewal thereof five dollars ($5.00); for original registration of a drug store twenty-five dollars ($25.00) and renewal thereof ten dollars ($10.00);".

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective January 1, 1946.

SEC. 5. This Act shall be in full force and effect on and after January first, one thousand nine hundred and forty-six.

Ratified this the 14th day of March, 1945.

H. B. 182 CHAPTER 573

AN ACT TO PROVIDE FOR COMPENSATION FOR THE INJURY OF JIMMIE MACK FLOYD, A FIVE YEAR OLD CHILD OF ROBESON COUNTY, RECEIVED WHILE IN HIS FATHER'S YARD FROM A SCHOOL BUS BEING REPAIRED.

Relating to injuries suffered by Jimmie Mack Floyd.

WHEREAS, it is contended that Jimmie Mack Floyd, a five year old son of Odell Floyd of Robeson County, North Carolina, on the sixteenth of October, one thousand nine hundred and forty-four, was injured while in his father's yard by a school bus which had been driven into the yard by the duly authorized and appointed driver because of motor trouble, and while the driver was working on the motor instructed a passenger on the bus to step on the starter, pursuant to which the school bus suddenly moved forward and ran into and against Jimmie Mack Floyd and mashed his right leg against a tree, seriously mangling and fracturing his leg, to the end that he had to be removed to a Fairmont hospital and incurred and will hereafter incur considerable hospital and doctor's expense; and

WHEREAS, it is contended that said bus was being operated or was in charge of the regular bus driver employed by the State School Commission and on said occasion was being operated in a careless and reckless manner or without due caution and circumspection under conditions then and there existing; and

WHEREAS, it is contended that the father of said child is financially unable to pay said expenses caused by no fault on his part or on the part of his son; and

WHEREAS, there is no legal remedy available to Odell Floyd against the State School Commission or the State of North Carolina to compel it to pay his son's expense: *Now, therefore,*

The General Assembly of North Carolina do enact:

Authorizing State Board of Education to investigate and pay expenses if liability exists.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of Jimmie Mack Floyd referred to above and upon satisfactory proof that the accident occurred through negligent operation of the school bus and that there was no contributory negligence on the part of said Jimmie Mack Floyd that the State Board of Education is authorized to pay to Odell Floyd, father of Jimmie Mack Floyd, a sum sufficient to cover the necessary expenses incurred in the treatment of the injury received by his son, Jimmie Mack Floyd.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 247 CHAPTER 574

AN ACT TO FIX THE SALARY OF THE SHERIFF OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Authorizing war bonus for certain officers of Watauga County.

SECTION 1. That the Board of County Commissioners of Watauga County be and it is hereby authorized in its discretion to pay to the sheriff, the clerk of the superior court and the register of deeds of said county, in addition to all compensation now being received by them in payment for the discharge of their official duties, a war bonus not to exceed twenty-five dollars ($25.00) per month for the period commencing January first, one thousand nine hundred and forty-five and ending December thirty-first, one thousand nine hundred and forty-seven, to be paid monthly with the first payment covering the months of January, February and March, one thousand nine hundred and forty-five to be due and payable on the thirty-first day of March, one thousand nine hundred and forty-five.

SEC. 2. Payment of the war bonuses hereinabove provided for in Section one shall not be authorized for any one of said officers unless like and equal bonuses shall be provided for each and all of the officers named therein, that is to say, the sheriff, the clerk of the superior court, and the register of deeds of said county.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 298 **CHAPTER 575**

AN ACT TO AMEND THE MOTOR VEHICLE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, AS THE SAME IS CODIFIED IN SECTIONS TWENTY - THIRTY-EIGHT THROUGH TWENTY - ONE HUNDRED AND EIGHTY-THREE IN THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO FRANCHISE BUS CARRIERS AND HAULERS.

The General Assembly of North Carolina do enact:

Amending Motor Vehicle Act.

SECTION 1. That Section twenty - eighty-eight, Subsection (e), of the General Statutes of North Carolina be amended by striking out the following words in lines five, six, seven, eight, nine, ten, and eleven: "Except on vehicles licensed for interstate routes and used exclusively for interstate business where more than fifty per cent of the designated route lies outside of the State of North Carolina the required deposit may be reduced by the commissioner to fifty percent of the above schedule of rates as to deposit only:".

SEC. 2. That Section twenty - eighty-nine of the General Statutes of North Carolina be amended by adding the following proviso at the end of said section:

Provided, however, that whenever any person licensed as a franchise property hauler transports his own property, other than for his own use, he shall be liable for a tax on such transportation, computed at six percent (6%) of the gross charges authorized by the Utilities Commission or Interstate Commerce Commission on such operation if it had been for hire; and franchise haulers shall maintain accurate records of all operations involving transportation of their own property, in order that said tax may be correctly computed, paid and audited.

SEC. 3. That Section twenty - ninety-one of the General Statutes of North Carolina be amended by adding the following at the end of Subsection (d):

Any such franchise hauler or franchise bus carrier, having no records on the basis of which the commissioner can determine the amount of the tax due by such carrier, shall be assessed on each vehicle at the rate applicable for contract haulers, and any bonds or deposits theretofore made shall be applied on such assessment and any further amount shall be collected as provided by law.

SEC. 4. That Section twenty - ninety-two of the General Statutes of North Carolina be amended by substituting a comma for the period after the word "vehicles" at the end of said section, and by adding thereafter the following words: and the Utilities

Commission may revoke any franchise or permit issued such carrier.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after January first, one thousand nine hundred and forty-six.

Ratified this the 14th day of March, 1945.

H. B. 299 CHAPTER 576

AN ACT TO AMEND CERTAIN SECTIONS OF THE MOTOR VEHICLE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, AS THE SAME ARE CODIFIED IN SECTIONS TWENTY - THIRTY-EIGHT THROUGH TWENTY - ONE HUNDRED AND EIGHTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Section twenty - sixty-four of the General Statutes of North Carolina be amended by striking out Subsection (c) and by substituting in lieu thereof the following: Amending Motor Vehicle Act.

(c) Registration plates issued by the department for vehicles operated for hire may be retained by the owner for transfer to another vehicle belonging to the same owner; or, at the option of the owner to whom issued, by written consent of the owner, may be transferred and assigned with the same vehicle to the new owner upon payment of a fee of one dollar ($1.00) as otherwise provided for a transfer; except that registration plates issued for franchise haulers and franchise bus vehicles may not be transferred and assigned from one owner to another but shall be retained by the owner to whom originally issued. Registration plates.

This section shall be effective from and after January first, one thousand nine hundred and forty-five.

SEC. 2. That Section twenty - eighty-seven of the General Statutes of North Carolina be amended by striking out Subsection (f) and inserting in lieu thereof the following:

(f) Private Motorcycles. The tax on private passenger motorcycles shall be five dollars ($5.00); except that when a motorcycle is equipped with any additional form of device designed to transport persons or property, the tax shall be ten dollars ($10.00). Private motorcycles.

This section shall be effective from and after January first, one thousand nine hundred and forty-six.

SEC. 3. That Section twenty-eighty-eight of the General Statutes of North Carolina be amended by adding the following at the end of Subsection (c):

Farmer license.

Provided, such "farmer" license may be transferred if the new owner executes a statement on a form prescribed by the Motor Vehicle Department showing that he is entitled to a "farmer" license; otherwise the same shall be surrendered and the new owner must pay the difference in the fee for a "farmer" license and the type of license required for the new operation as of the date of such transfer.

This section shall be effective from and after January first, one thousand nine hundred and forty-five.

SEC. 4. That Section twenty - ninety-nine is hereby rewritten to read as follows:

SEC. 20-99. Remedies for the collection of taxes.

Remedies for collecting motor vehicle taxes.

1. If any tax imposed by this chapter, or any other tax levied by the State and payable to the Commissioner of Motor Vehicles, or any portion of such tax, be not paid within thirty days after the same becomes due and payable, and after the same has been assessed, the Commissioner of Motor Vehicles shall issue an order under his hand and official seal, directed to the sheriff of any county of the State, commanding him to levy upon and sell the real and personal property of the taxpayer found within his county for the payment of the amount thereof, with the added penalties, additional taxes, interest, and cost of executing the same, and to return to the Commissioner of Motor Vehicles the money collected by virtue thereof within a time to be therein specified, not less than sixty days from the date of the order. The said sheriff shall, thereupon, proceed upon the same in all respects with like effect and in the same manner prescribed by law in respect to executions issued against property upon judgments of a court of record, and shall be entitled to the same fees for his services in executing the order, to be collected in the same manner. Upon the issuance of said order to the sheriff, in the event the delinquent taxpayer shall be the operator of any franchise bus carrier or franchise hauler vehicle, the franchise certificate issued to such operator shall become null and void and shall be canceled by the Utilities Commissioner, and it shall be unlawful for any such franchise bus carrier or the operator of any franchise hauler vehicle to continue the operation under said franchise.

2. Bank deposits, rents, salaries, wages, and all other choses in action or property incapable of manual levy or delivery, hereinafter called the intangible, belonging, owing, or to become due to any taxpayer subject to any of the provisions of this

chapter, or which has been transferred by such taxpayer under circumstances which would permit it to be levied upon if it were tangible, shall be subject to attachment or garnishment as herein provided, and the person owing said intangible, matured or unmatured, or having same in his possession or control, hereinafter called the garishee, shall become liable for all sums due by the taxpayer under this chapter to the extent of the amount of the intangible belonging, owing, or to become due to the taxpayer subject to the set off of any matured or unmatured indebtedness of the taxpayer to the garnishee. To effect such attachment or garnishment the Commissioner of Motor Vehicles shall serve or cause to be served upon the taxpayer and the garnishee a notice as hereinafter provided, which notice may be served by any deputy or employee of the Commissioner of Motor Vehicles or by any officer having authority to serve summonses. Said notice shall show:

(1) The name of the taxpayer and his address, if known:

(2) The nature and amount of the tax, and the interest and penalties thereon, and the year or years for which the same were levied or assessed, and

(3) Shall be accompanied by a copy of this subsection, and thereupon the procedure shall be as follows:

If the garnishee has no defense to offer or no set off against the taxpayer, he shall, within ten days after service of said notice, answer the same by sending to the Commissioner of Motor Vehicles by registered mail a statement to that effect, and if the amount due or belonging to the taxpayer is then due or subject to his demand, it shall be remitted to the commissioner with said statement, but if said amount is to mature in the future, the statement shall set forth that fact and the same shall be paid to the commissioner upon maturity, and any payment by the garnishee hereunder shall be a complete extinguishment of any liability therefor on his part to the taxpayer. If the garnishee has any defense or set off, he shall state the same in writing under oath, and, within ten days after service of said notice, shall send two copies of said statement to the commissioner by registered mail; if the commissioner admits such defense or set off, he shall so advise the garnishee in writing within ten days after receipt of such statement and the attachment or garnishment shall thereupon be discharged to the amount required by such defense or set off, and any amount attached or garnished hereunder which is not affected by such defense or set off shall be remitted to the Commissioner as above provided in cases where the garnishee has no defense or set off, and with like effect. If the commissioner shall not admit the defense or set off, he shall set forth in writing his objections thereto and shall send a copy thereof to the garnishee within ten days after receipt of the garnishee's statement, or within such further time as may be agreed on by the garnishee, and at the same time he

shall file a copy of said notice, a copy of the garnishee's statement, and a copy of his objections thereto in the superior court of the county where the garnishee resides or does business where the issues made shall be tried as in civil actions.

If judgment is entered in favor of the Commissioner of Motor Vehicles by default or after hearing, the garnishee shall become liable for the taxes, interest and penalties due by the taxpayer to the extent of the amount over and above any defense or set off of the garnishee belonging, owing, or to become due to the taxpayer, but payments shall not be required from amounts which are to become due to the taxpayer until the maturity thereof, nor shall more than ten per cent of any taxpayer's salary or wages be required to be paid hereunder in any one month. The garnishee may satisfy said judgment upon paying said amount, and if he fails to do so, execution may issue as provided by law. From any judgment or order entered upon such hearing either the Commissioner of Motor Vehicles or the garnishee may appeal as provided by law. If, before or after judgment, adequate security is filed for the payment of said taxes, interest, penalties, and costs, the attachment or garnishment may be released or execution stayed pending appeal, but the final judgment shall be paid or enforced as above provided. The taxpayer's sole remedies to question his liability for said taxes, interest, and penalties shall be those provided in Section one hundred and five - two hundred and sixty-seven of the General Statutes, as now or hereafter amended or supplemented. If any third person claims any intangible attached or garnished hereunder and his lawful right thereto, or to any part thereof, is shown to the commissioner, he shall discharge the attachment or garnishment to the extent necessary to protect such right, and if such right is asserted after the filing of said copies as aforesaid, it may be established by interpleader as now or hereafter provided by the General Statutes in cases of attachment and garnishment. In case such third party has no notice of proceedings hereunder, he shall have the right to file his petition under oath with the commissioner at any time within twelve months after said intangible is paid to him and if the commissioner finds that such party is lawfully entitled thereto or to any part thereof, he shall pay the same to such party as provided for refunds by Section one hundred and five - four hundred and seven of the General Statutes and if such payment is denied, said party may appeal from the determination of the commissioner to the Superior Court of Wake County or to the superior court of the county wherein he resides or does business. The intangibles of a taxpayer shall be paid or collected hereunder only to the extent necessary to satisfy said taxes, interest, penalties, and costs. Except as hereinafter set forth, the remedy provided in this section shall not be resorted to unless a wararnt for collection or execution against the taxpayer has been returned unsatisfied: *Provided, however,* if the

commissioner is of opinion that the only effective remedy is that herein provided, it shall not be necessary that a warrant for collection or execution shall be first returned unsatisfied, and in no case shall it be a defense to the remedy herein provided that a warrant for collection or execution has not been first returned unsatisfied: *Provided, however,* that no salary or wage at the rate of less than two hundred dollars ($200.00) per month, whether paid weekly or monthly, shall be attached or garnished under the provisions of this section.

Docketing tax lien in office of Clerk of Superior Court.

3. In addition to the remedy herein provided, the Commissioner of Motor Vehicles is authorized and empowered to make a certificate setting forth the essential particulars relating to the said tax, including the amount thereof, the date when the same was due and payable, the person, firm, or corporation chargeable therewith, and the nature of the tax, and under his hand and seal transmit the same to the clerk of the superior court of any county in which the delinquent taxpayer resides or has property; whereupon, it shall be the duty of the clerk of the superior court of the county to docket the said certificate and index the same on the cross index of judgments, and execution may issue thereon with the same force and effect as an execution upon any other judgment of the superior court; said tax shall become a lien on realty only from the date of the docketing of such certificate in the office of the clerk of the superior court and on personality only from the date of the levy on such personality and upon execution thereon no homestead or personal property exemption shall be allowed.

Remedies are cumulative.

4. The remedies herein given are cumulative and in addition to all other remedies provided by law for the collection of said taxes.

SEC. 5. That Section twenty - one hundred and ten of the General Statutes of North Carolina be amended by adding thereto a new subsection to be designated Subsection (d), which shall read as follows:

Cancelling certain licenses.

(d) The department shall rescind and cancel the certificate of title to any vehicle which has been erroneously issued or fraudulently obtained or is unlawfully detained by anyone not entitled to possession.

License plates.

SEC. 6. That Section twenty - one hundred and eleven, Subsection (b), of the General Statutes of North Carolina be amended by substituting a comma for the period after the word "altered" at the end of said subsection, and by adding thereafter the following words: or to wilfully display an expired license or registration plate on a vehicle knowing the same to be expired.

SEC. 7. That Section twenty-one hundred and eighteen of the General Statutes of North Carolina be amended by adding the following words at the end of Subsection (h):

Determining weight of passenger buses.

For the purpose of determining the maximum weight to be allowed for passenger busses to be operated upon the highways of this State, the Commissioner of Motor Vehicles shall require, prior to the issuance of license, a certificate showing the weight of such bus when fully equipped for the road; and no such bus shall be licensed except those heretofore in use in this State if the weight fully equipped shall exceed twenty-two thousand, five hundred (22,500) pounds; and no special permit shall be issued for any bus in excess of the limits herein specified.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That except as otherwise provided herein, this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 318 CHAPTER 577

AN ACT TO AMEND SECTIONS FIFTY-ONE - NINE AND FIFTY-ONE - TEN OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO CHANGE TREATMENT REQUIREMENTS OF DISEASED MARRIAGE APPLICANTS IN THE LIGHT OF MODERN PRACTICE.

The General Assembly of North Carolina do enact:

SECTION 1. Section fifty-one - nine of the General Statutes of North Carolina is hereby amended as follows:

Amending law relative diseased marriage applicants.

(1) Strike out the words "in the infectious or communicable stage" in lines nine and ten.

(2) Strike out the words "is negative" in line fifteen and insert in lieu thereof the words "was made."

SEC. 2. Section fifty-one - ten of the General Statutes of North Carolina is hereby amended by rewriting said section to read as follows:

Exceptions.

SEC. 51-10. Exceptions to Section fifty-one - nine. Exceptions to Section fifty-one - nine, in case of persons who have been infected with a veneral disease, are permissible only under the following conditions:

Applicant completed treatment.

(1) When the applicant has completed treatment and is certified by a regularly licensed physician as having been cured or probated, and when said physician has certified that he has in-

formed both the applicant and the proposed marital partner of any possible future infectivity of the applicant,

(2) When the applicant is found to be in that stage of such disease that is not communicable to the marital partner as certified by a regularly licensed physician, *provided* that the applicant signs an agreement to take adequate treatment until cured or probated, Disease not in communicable stage.

(3) When the applicant is pregnant and it is necessary to protect the legitimacy of the offspring, *provided* that the applicant signs an agreement to take adequate treatment until cured or probated, When applicant pregnant.

(4) When the applicant and the proposed marital partner are both infected with the same disease and have signed an agreement to take treatment until cured or probated.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 334 **CHAPTER 578**

AN ACT TO REIMBURSE J. L. PEARCE FOR LOSS INCURRED AS A RESULT OF INJURIES SUFFERED BY THE FALLING OF A SLAB OF CONCRETE AND LIMESTONE FROM THE AGRICULTURE BUILDING IN RALEIGH.

WHEREAS, it is contended that on or about the fourth day of December, one thousand nine hundred and forty-three, J. L. Pearce, while walking beside the Agriculture Building on Halifax Street in Raleigh, North Carolina, was injured when a slab of concrete and limestone, estimated to weigh about four hundred pounds, slipped from a cornice of said building and crashed to the pavement just back of him, throwing a sliver of said slab forcibly against his ankle; and

WHEREAS, it is contended that as a result of the accident, J. L. Pearce suffered a traumatic injury and sprain to his right foot and ankle resulting in medical expenses and loss of time from work; and

WHEREAS, there is no remedy at law available to J. L. Pearce to recover for his loss and damages, and it is just and proper that he be compensated for the loss and damage sustained by him: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing payment of damages to J. L. Pearce.

SECTION 1. The Board of Public Buildings and Grounds is hereby authorized to investigate the claim of J. L. Pearce, and upon production of satisfactory proof that he has suffered the injury and loss, above referred to, through no fault of his own, the Board of Public Buildings and Grounds is authorized to pay J. L. Pearce such sum not exceeding twenty-eight dollars and sixty-one cents ($28.61) as will pay the medical and drug expenses and loss from work incurred in connection with the said injury.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 345 **CHAPTER 579**

AN ACT TO REIMBURSE W. H. LAMBETH OF GUILFORD COUNTY FOR DAMAGES TO HIS TRUCK CAUSED BY SCHOOL BUS.

WHEREAS, on or about October twentieth, one thousand nine hundred forty-four, Mrs. W. H. Lambeth was taking her small son to school in Guilford County; and,

WHEREAS, while leaving the school and while still driving in first gear on the right-hand side of the road, it is contended that the pickup truck which she was driving was struck by a school bus; and,

WHEREAS, Mrs. Lambeth sustained personal injuries for which she is asking no compensation; and,

WHEREAS, it is contended that the truck was damaged in the amount of one hundred five dollars and fifty-one cents ($105.51); and,

WHEREAS, it is contended that said accident was caused by the negligence of the operator of the school bus: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing payment of damages to W. H. Lambeth.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of W. H. Lambeth of Guilford County and upon production of satisfactory proof that the collision and damage referred to above occurred through the negligent operation of the school bus and without contributory negligence on the part of Mrs. W. H. Lambeth, the said board of education is authorized to pay the said W. H. Lambeth a sum

not exceeding one hundred five dollars and fifty-one cents ($105.51) to reimburse him for the damage to his truck.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 349 **CHAPTER 580**

AN ACT TO FIX A MINIMUM HEALTH FUND FOR GRAHAM COUNTY AND TO AUTHORIZE A TAX LEVY FOR SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to any other authority or law to levy taxes for the support of public health, it shall be the mandatory duty of the Board of County Commissioners of Graham County and said board shall levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a tax of a sufficient rate on each one hundred dollars ($100.00) valuation of property in said county so as to realize the sum of three thousand dollars ($3,000.00) as a minimum public health fund for said county. Fixing minimum health fund for Graham County.

SEC. 2. The above public health fund of three thousand dollars ($3,000.00) as a minimum, when collected, shall be appropriated and applied to the support of a public health program for said Graham County and it shall be unlawful to appropriate, expend, divert or misapply said funds for any other purpose or purposes.

SEC. 3. That this Act shall not be construed or interpreted as limiting the powers of the Board of County Commissioners of Graham County to levy a tax and accumulate a fund for public health purposes in excess of the above minimum of three thousand dollars ($3,000.00).

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall not take effect until July first, one thousand nine hundred and forty-six. Effective July 1, 1946.

Ratified this the 14th day of March, 1945.

H. B. 414 CHAPTER 581

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTEEN - TWO HUNDRED AND NINETY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE POWERS OF THE BOARD OF EDUCATION TO PURCHASE SUPPLIES AND PROVIDE A SYSTEM OF DISTRIBUTION THEREOF TO THE SEVERAL SCHOOL UNITS OF THE STATE.

The General Assembly of North Carolina do enact:

Amending law relating to purchase and distribution of supplies by State Board of Education.

SECTION 1. Paragraph one of Section one hundred and fifteen - two hundred and ninety-three of the General Statutes of North Carolina is hereby repealed and rewritten as follows:

(1) Acquire by contract and/or purchase such textbooks and instructional supplies which are or may be on the adopted list of the State of North Carolina, and to purchase by contract as now provided by law material, supplies, and equipment which the board may find necessary to meet the needs of the public school system of the State and to carry out the provisions of this article.

SEC. 2. Paragraph two of Section one hundred and fifteen - two hundred and ninety-three of the General Statutes is hereby amended by adding at the end thereof, "to use warehouse facilities for the distribution of all the supplies, materials, and equipment authorized to be purchased in Section one hereof."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 422 CHAPTER 582

AN ACT FOR THE RELIEF OF MR. EDWIN P. BARNES, OF ORANGE COUNTY.

WHEREAS, on the first day of February, one thousand nine hundred and forty-four, Mr. Edwin P. Barnes, of Orange County, North Carolina, Area Supervisor with War Food Administration, visited the colored high school at Mount Airy, North Carolina, in connection with the lunch program which was being carried on at said school; and

WHEREAS, during the time of Mr. Barnes' visit to said school he parked his automobile on the school grounds, and during the absence of Mr. Barnes from his automobile one of the

school busses used in connection with said high school was backed into Mr. Barnes' car, damaging same to the amount of one hundred fourteen dollars and seventy-seven cents ($114.77); and

WHEREAS, the colored high school of Mount Airy is without funds to reimburse Mr. Barnes for the damage sustained: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Edwin P. Barnes.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of Edwin P. Barnes referred to above and upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus and that there was no contributory negligence on the part of said Edwin P. Barnes that the State Board of Education is authorized to pay Edwin P. Barnes such sum not exceeding one hundred fourteen dollars and seventy-seven cents ($114.77) as will reimburse him for actual damage found to be thus sustained.

SEC. 2. That this Act shall be in force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 479 CHAPTER 583

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY - TWO HUNDRED AND TWENTY-FIVE POINT ONE OF THE GENERAL STATUTES, TO PREVENT THE SPREAD OF TUBERCULOSIS.

The General Assembly of North Carolina do enact:

Amending law relating to tuberculosis.

SECTION 1. That Section one hundred and thirty - two hundred and twenty-five point one of the General Statutes shall be rewritten so as to read as follows:

Failure to comply with instructions and regulations constitute misdemeanor.

SEC. 130-225.1. Any person having tuberculosis in the communicable form who, after being instructed by an agent of the county or city board of health as to precautions necessary to be taken to protect the members of such person's household or the community from becoming infected by tuberculosis communicated by such person, shall wilfully refuse to follow such instructions shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the Prison Department of the North Carolina Sanatorium; or, if the defendant is a female, such female shall be imprisoned in the hospital section of the Woman's Division of the State's Prison until provision is made for caring for female prisoners at the North Carolina Sanatorium. For the first offense the term of imprisonment shall

be from two to six months, to be determined by the superintendent of the sanatorium as to those confined there, and by the superintendent of the State's Prison as to those confined there. For any subsequent offense, such persons may be sentenced for indeterminate sentences in the discretion of the court.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 507 CHAPTER 584

AN ACT TO APPOINT A MAYOR AND A BOARD OF COMMISSIONERS OF THE TOWN OF WALNUT COVE, IN STOKES COUNTY, AND TO PROVIDE FOR THE FUTURE ELECTION OF SUCH OFFICERS.

The General Assembly of North Carolina do enact:

Appointing mayor for Walnut Cove.

SECTION 1. That Elkin Smith is hereby appointed Mayor of the Town of Walnut Cove, in Stokes County, to hold office until the first Monday in July, one thousand nine hundred and forty-seven, or until his successor is elected and qualified.

Future elections.

SEC. 2. That on the first Tuesday after the first Monday in June, one thousand nine hundred and forty-seven, and biennially thereafter, there shall be elected a mayor for the Town of Walnut Cove who shall hold office for a term of two years and until his successor is elected and qualified. Said mayor shall take office on the first Monday in July following his election. The election herein provided for shall be held under the general laws regulating municipal elections and under the control and supervision of the Board of Elections of Stokes County.

Town Commissioners.

SEC. 3. That M. O. Jones, R. R. Mills, M. N. Wheeler and J. L. Welch are hereby appointed Town Commissioners for the Town of Walnut Cove, in Stokes County, to hold office until the first Monday in July, one thousand nine hundred and forty-seven, or until their successors are elected ad qualified. The commissioners hereby appointed shall constitute the Board of Commissioners for the Town of Walnut Cove.

Future election.

SEC. 4. That on the first Tuesday after the first Monday in June, one thousand nine hundred and forty-seven, and biennially thereafter, there shall be elected four commissioners for the Town of Walnut Cove, in Stokes County, who shall take office on the first Monday in July following. Said commissioners shall hold office for two years and until their successors are elected and

qualified. Said elections shall be held under the general laws regulating municipal elections and shall be held under the control and supervision of the County Board of Elections of Stokes County.

Validating prior acts of mayor and Commissioners.

SEC. 5. That all deeds and acts heretofore done and performed by the Mayor and Commissioners of the Town of Walnut Cove, in Stokes County, are hereby in all respects ratified, validated and confirmed.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this 14th day of March, 1945.

H. B. 537 CHAPTER 585

AN ACT TO AMEND CHAPTER THIRTY-SEVEN, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, AS AMENDED, THE SAME BEING THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Amending Charter of Greensboro.

SECTION 1. That Section eleven of Chapter thirty-seven, Private Laws of one thousand nine hundred and twenty-three be amended by striking out the words "such salary as the Council shall by ordinance determine, not exceeding" appearing in lines one and two of said section.

SEC. 2. That all sums heretofore paid for services, not in excess of the maximum provided by said Section eleven, regardless of whether or not determined by ordinance, are hereby validated.

SEC. 3. That Section eighty-four of said Chapter thirty-seven, Private Laws of one thousand nine hundred and twenty-three, as amended, is hereby repealed and a new Section eighty-four substituted in lieu thereof, as follows:

Publication of ordinances.

SEC. 84. New Ordinances to be Published. Special Provision as to Adoption of Code or New Chapter. Whenever a new ordinance is enacted by the City Council of City of Greensboro, the same shall be published once in some newspaper published in said city and shall become effective immediately following such publication unless the ordinance provides for a different effective date; *provided,* that when any compilation or codification of the city ordinances is adopted by the city council and the same is ordered printed in pamphlet or book form, it shall be sufficient compliance with this section and with any general law requiring the publication of ordinances to publish the ordinance adopting

such compilation or codification, and the ordinances included in such compilation or codification shall be effective twenty days after the publication of said adopting ordinance; *provided, further*, that upon the approval and adoption of any new chapter of the city code or an amendment to the city code by substituting a new chapter by the city council, the publication one time in some newspaper published in the city of a notice giving the title of such chapter, stating the date of its adoption, and further stating that it will become effective twenty days after the publication of said notice, shall be sufficient compliance with this section and with any general or public law requiring the publication of ordinances.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 575 CHAPTER 586

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, AS AMENDED BY CHAPTER FIFTY- FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO THE CORPORATE LIMITS OF THE TOWN OF AHOSKIE IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Amending Charter of Ahoskie.

SECTION 1. Section two of Chapter one hundred and fifty-eight of the Private Laws of one thousand nine hundred and three, as amended by Chapter fifty-four of the Private Laws of one thousand nine hundred and nineteen, is hereby rewritten to read as follows:

SEC. 2. The corporate limits of the Town of Ahoskie shall be as follows:

Corporate limits.

Beginning at a stake on the North side of the highway leading to Aulander nine hundred and forty feet West of the point where the Western boundary line of the old corporate limits crosses said highway; thence North fifty-two degrees West one thousand one hundred and twenty feet to a stake; thence North twenty-one degrees forty-five minutes East three thousand and forty feet to a stake on the Southern boundary line of the city cemetery; thence North forty-three degrees thirty minutes East five hundred and twelve feet to a stake in the Northern boundary

line of the city cemetery; thence North sixty-seven degrees East eight hundred and ninety-five feet to a stake; thence North eighty-nine degrees twenty minutes East one thousand six hundred and fifty feet to a stake in highway leading to Winton; thence North eighty-nine degrees twenty minutes East two thousand nine hundred and sixty feet to a stake in the Atlantic Coast Line Railroad right of way; thence South forty-three degrees thirty minutes East two thousand five hundred and ninety-seven feet to a stake near the road leading to Cofield; thence South thirty degrees East four hundred and thirteen feet to a stake; thence South seventy-one degrees West two thousand seven hundred and sixty feet to a stake; thence South no degrees thirty minutes West four thousand seven hundred and seventy feet to a stake on the Southern side of the road leading to Powellsville; thence South twenty-four degrees thirty minutes West three hundred and sixty-five feet to a stake; thence North fifty-five and one half degrees West eight hundred and fifty-five feet to a stake near a road; thence North fifty-five and one half degrees West one thousand one hundred and twenty feet to a stake; thence North fifty-two degrees West four thousand and six hundred feet to the point of beginning.

Ordinances apply to new area.

SEC. 2. All laws, ordinances and regulations applicable to the Town of Ahoskie now or hereafter to be in force shall apply with equal effect to the new territory embraced within the corporate limits of said town as provided by this Act.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 579 CHAPTER 587

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND FORTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE AND TO REGULATE PENSIONS AND OTHER BENEFIT PAYMENTS TO BE RECEIVED BY EMPLOYEES OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter four hundred and forty of the Public-Local Laws of one thousand nine hundred and forty-one is hereby repealed.

Amending law relating to pensions for city employees in Wilmington.

SEC. 2. That any employee of the City of Wilmington, including employees of the police and fire departments, who is now receiving or who may hereafter become entitled to receive benefit payments under the Workmen's Compensation Act, shall, in addition thereto, receive such pensions, sick and disability benefits or other compensation to which he might be entitled under other laws providing for retirement pensions, sick and disability benefits, or other compensation for employees, which are applicable to the City of Wilmington.

SEC. 3. That the names of H. C. Rivenbark and H. L. Register shall be placed upon the pension roll by the Board of Trustees of the Firemen's Pension Fund of Wilmington, North Carolina, created pursuant to Chapter twenty-six of the Private Laws of one thousand nine hundred and thirty-seven; and each shall be entitled to receive, from and after March first, one thousand nine hundred and forty-five, in addition to such compensation as he may receive under the Workmen's Compensation Act, such disability, sick or other benefit payments thereunder as he would have been entitled to receive had not Chapter four hundred and forty of the Public-Local Laws of one thousand nine hundred and forty-one been enacted.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 585 **CHAPTER 588**

AN ACT TO RECOMPENSE W. O. BROWN OF CHATHAM COUNTY FOR DAMAGE TO HIS AUTOMOBILE TRUCK BY REASON OF COLLISION WITH A PUBLIC SCHOOL BUS ON DECEMBER EIGHTH, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

WHEREAS, on December eighth, one thousand nine hundred and forty-three, on United States Highway Number sixty-four (64), in Chatham County, North Carolina, a collision occurred between a school bus owned and operated by the State Board of Education and an automobile truck owned by W. O. Brown, of Chatham County, North Carolina; and,

WHEREAS, it appears that W. O. Brown has suffered damages to his truck in the sum of at least four hundred fifty dollars ($450.00), and that he is without legal remedy by which he might recover said damages: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of said W. O. Brown, and upon production of proof satisfactory to the board that the collision and resultant damage was caused by the negligent operation of the school bus by its duly employed driver, and that there was no contributory negligence on the part of the driver of the truck belonging to W. O. Brown, then in such event the State Board of Education is authorized to pay to W. O. Brown such sum not exceeding four hundred fifty dollars ($450.00) as will reimburse him for the actual damage found to have been sustained by his said truck.

Payment of damages to W. O. Brown.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 609 CHAPTER 589

AN ACT TO AMEND CHAPTER THREE HUNDRED SIXTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-NINE, AMENDING THE CHARTER OF THE TOWN OF HIGHLANDS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section six of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof, the following:

Amending Charter of Highlands.

SEC. 6. All general elections for the elections of mayor and commissioners except as above set out shall be held on the first Tuesday after the first Monday in May of each biennium beginning with the year one thousand nine hundred and forty-five, and officers elected at such elections shall take office on the first Monday in June following their election and serve for two years.

Elections.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 613 **CHAPTER 590**

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-SIX OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, SAME BEING "AN ACT TO CONTINUE THE INCORPORATION OF THE CITY OF CHARLOTTE AND TO CODIFY, AMEND AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF CHARLOTTE, AND TO REPEAL CERTAIN ACTS CONSTITUTING A PART OF ITS PRESENT CHARTER" AND THE AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Amending Charter of Charlotte.

SECTION 1. That Chapter three hundred sixty-six of the Public-Local Laws of North Carolina of one thousand nine hundred thirty-nine, the same being "An Act to continue the incorporation of the City of Charlotte and to codify, amend and consolidate the statutes that constitute the charter of the City of Charlotte, and to repeal certain Acts and portions of certain Acts constituting a part of its present charter," and the amendments thereto, be and the same is and are hereby amended as follows:

(a) By striking out Section five reading as follows:

"The form of government for the City of Charlotte shall be as set forth in Plan 'D' of the General Law with reference to municipalities and as heretofore adopted by the electorate of the citizens of Charlotte, subject, to the modifications set forth in this Act, and the governing body, which shall consist of a city council of eleven members and a mayor, shall be elected in accordance with the provisions of this Act, shall hold office for a period of two years and be elected as herein provided or until their successors are elected and qualified."

and by inserting in lieu thereof the following:

Form of government.

SEC. 5. The form of government for the City of Charlotte shall be as set out in plan "D" of the general law with reference to municipalities and as heretofore adopted by the electorate of the citizens of Charlotte, subject, to the modifications set forth in this Act, and the governing body, which shall consist of a city council of seven members and a mayor, who shall be elected at large by and from the qualified voters of the City of Charlotte in accordance with the provisions of this Act, and who shall hold office for a period of two years and be elected as herein provided or until their successors are elected and qualified.

(b) By striking out Section six reading as follows:

Elections.

"That on Tuesday after the first Monday in May biennially commencing on May, one thousand nine hundred thirty-nine, there shall be elected a mayor and a city council composed of

eleven members; not more than two of such council shall be residents and qualified voters of any one ward in the city."
and by inserting in lieu thereof the following:

SEC. 6. That on Tuesday after the first Monday in May biennially commencing in May, one thousand nine hundred forty-five, there shall be elected a mayor and a city council composed of seven members who shall be elected at large by and from the qualified voters of the City of Charlotte for a term of two years and until their successors are elected and qualified.

(c) By striking out the third, fourth and fifth sentences of Section eleven reading as follows:

"Following thereunder, the wards of the city shall be listed in numerical order, and if more than two candidates announce from any one ward, their names likewise shall be arranged in alphabetical order, grouped under their respective wards, with a square at the left of each. Above the names of each ward group shall be printed the instruction to vote for 'Not More Than Two.' If a voter shall vote for more than two candidates in any one ward group, such ballot shall not be counted by the election officials as to the names composing such groups in ascertaining the result of such election."

Elections by wards.

and by inserting in lieu thereof the following:

Following thereunder, the names of the candidates for the office of councilman shall be arranged in alphabetical order, with a square at the left of each. Above the names of the candidates for councilman shall be printed the instruction to "Vote For Not More than Seven." If a voter shall vote for more than seven candidates, such ballot shall not be counted by the election officials in ascertaining the result of such election.

(d) By striking out the first sentence of Section fourteen reading as follows:

"In the municipal primary, the two persons receiving the highest number of votes, for mayor, and the two persons receiving the highest number of votes for councilman in each ward shall be declared nominees for said offices."

and by inserting in lieu thereof the following:

In the municipal primary, the two persons receiving the highest number of votes for mayor, and the fourteen persons receiving the highest number of votes for councilman shall be declared nominees for said offices.

Municipal primary.

(e) By striking out Section eighteen reading as follows:

"The nominee receiving the highest number of votes for mayor, the eleven nominees receiving the highest number of votes for councilmen and the other nominees, equal in number to the re-

spective offices to be filled, receiving the highest number of votes for said office or offices as shown by the canvass by said County Board of Elections shall be declared elected and shall be certified as herein provided."

and by inserting in lieu thereof the following:

SEC. 18. The nominee receiving the highest number of votes for mayor, the seven nominees receiving the highest number of votes for councilmen and the other nominees, equal in number to the respective offices to be filled, receiving the highest number of votes for said office or offices as shown by the canvass by said county board of elections shall be declared elected and shall be certified as herein provided.

(f) By striking out the following words:

"And the number of the ward of each councilman voted for." immediately after the words "different office" in the fourth sentence of Section twenty-five.

(g) By striking out the third sentence of Section twenty-eight reading as follows:

"Six affirmative votes of the council members, or five of such affirmative votes, together with the affirmative vote of the mayor, in case of a tie vote, shall be required for the passage of any motion, resolution or ordinance."

and by inserting in lieu thereof the following:

Relating to voting by Council members on motions, etc.

Four affirmative votes of the council members, or three of such affirmative votes, together with the affirmative vote of the mayor, in case of a tie vote, shall be required for the passage of any motion, resolution or ordinance.

(h) By striking out the last sentence of Section twenty-eight reading as follows:

"Vacancies in the office of the mayor or mayor pro tempore or in the city council or any other elective office, except that of members of the school board, shall be filled by the council for the remainder of the unexpired term or terms, subject to the restriction that no vacancy shall be filled from any ward which already has two councilmen."

and by inserting in lieu thereof the following:

Vacancies.

Vacancies in the office of the mayor or mayor pro tempore or in the city council or any other elective office, except that of members of the school board, shall be filled by the council for the remainder of the unexpired term or terms.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. If any clause, sentence, paragraph, subsection, section, or any part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the part thereof directly involved in said judgment. If any part or clause of this Act shall be declared unconstitutional, and if such part so declared unconstitutional embraces subject matter controlled and provided for by any law, public or private, in effect at the time of the adoption of this Act, such pre-existing laws shall continue and remain in effect, notwithstanding any repealing clause contained herein. Constitutionality.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 625 CHAPTER 591

AN ACT TO AMEND THE CHARTER AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF HERTFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred ninety-five of the Private Laws of one thousand nine hundred and three be amended by striking out all of Section one in said chapter and inserting in lieu thereof, the following: Amending Charter of Hertford.

SECTION 1. That the town of Hertford is hereby incorporated within the following boundaries viz: Beginning on Skinner's or Castleton Creek, at the mouth of Jennie's Gut, thence along the various courses of said Gut to Gum Pond Run or Ditch, thence along Gun Pond Run or Ditch to Culvert Number one hundred seventy two, on the Norfolk and Southern Railroad, thence North forty-eight degrees West one thousand one hundred and sixty-one feet to the North side of Wood's Lane, thence North thirty-nine degrees West seven hundred and five feet to an iron stake, thence North fifty-three degrees fifteen minutes East five hundred and ninety-eight feet to Dobb Street extended, thence North fifty-five degrees West thirty-six feet to the Northwest side of Charles Street, thence North forty-two degrees East a straight course to Tom's Creek, thence in an Easterly direction the various courses of Tom's Creek to the Perquimans River, thence the various courses of the Perquimans River to Skinner's or Castleton Creek, thence up said creek to the beginning. Corporate limits.

Referendum on proposed extension.

SEC. 2. The Perquimans County Board of Elections shall call an election to be held not later than August first, one thousand nine hundred and forty-five to determine whether or not such territory shall be annexed to said town.

Call for election.

SEC. 3. The call for said election shall: (a) describe the territory proposed to be annexed to said town; (b) provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of said town and of the territory to be annexed, voting together; (c) provide for a new or special registration of voters in said territory proposed to be annexed for said election; (d) designate the precincts and voting places for such elections; (3) name the registrars and the judges of said election and make all other necessary provisions for the holding and conducting of said election, and the canvassing of the returns and the declaration of the result. Said call shall be published in the "Perquimans Weekly" once a week for four successive weeks prior to said election.

Regulations.

SEC. 4. At such election those voters who favor extending the town limits as herein provided shall vote ballots on which shall be written or printed the words "For Extension"; and those opposed shall vote ballots on which shall be written or printed the words "Against Extension." The words "For Extension" and "Against Extension" may both be on the same ballot, with a box in front of each to be marked to show the choice of the voter. If a majority of votes cast at such election shall be "For Extension," then from and after the first day of January, one thousand nine hundred and forty-six, the territory embraced within the corporate limits of the Town of Hertford as provided by this Act and its citizens and property shall be subjected to all the laws, ordinances and regulations now or hereafter to be in force in said town, and shall be afforded the same privileges, benefits and facilities as are now or which may be afforded other comparable parts of the said town and citizens within the city limits.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 627 CHAPTER 592

AN ACT EXTENDING THE AUTHORITY OF THE POLICE OF THE TOWN OF HERTFORD.

The General Assembly of North Carolina do enact:

Extending authority of police of Hertford.

SECTION 1. The police officers, or law enforcement officers, appointed by the Mayor and Commissioners of the Town of Hertford, for the purpose of enforcing and carrying out the laws and ordinances of the Town of Hertford, shall have full power and authority to make arrests anywhere within two miles outside the corporate limits of said Town of Hertford for violations of the law, or ordinances of said town, committed within the town limits of said Town of Hertford.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 642 CHAPTER 593

AN ACT TO AMEND HOUSE BILL NUMBER EIGHTY-TWO, RATIFIED AT THE ONE THOUSAND NINE HUNDRED AND FORTY-FIVE SESSION OF THE GENERAL ASSEMBLY, SO AS TO ASSIGN THE EXTENDED LIMITS OF THE TOWN OF JACKSONVILLE THEREIN PROVIDED TO THE SECOND WARD.

The General Assembly of North Carolina do enact:

Amending Charter of Jacksonville.

SECTION 1. House Bill Number eighty-two, the same being an Act to extend the corporate limits of the Town of Jacksonville, Onslow County, ratified at the Session of one thousand nine hundred and forty-five of the General Assembly, is hereby amended by adding a sentence at the end of Section one to read as follows:

For the purposes set forth in Chapter three hundred and eight, Session Laws of one thousand nine hundred and forty-three, the area embraced within the limits set out in this section shall be assigned to the second ward as defined by that Act.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 644 CHAPTER 594

AN ACT TO AMEND CHAPTER SIX HUNDRED AND FORTY-FIVE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE ENTITLED "AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO APPOINT RURAL POLICEMEN AND FIX THEIR SALARIES, AND TO PROVIDE FOR THE COLLECTION OF DELINQUENT TAXES."

The General Assembly of North Carolina do enact:

Amending 1943 Act relating to Anson County.

SECTION 1. That Section two and one half of Chapter six hundred and forty-five of the Session Laws of one thousand nine hundred and forty-three be, and the same is hereby, amended by striking out the words and figures "five cents (5c)" in line three thereof and inserting in lieu thereof the words and figures "not exceeding ten cents (10c)."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 650 CHAPTER 595

AN ACT TO ENLARGE AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF WOODLAND, NORTHAMPTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Enlarging corporate limits of Woodland.

SECTION 1. That in addition to the corporate limits of the Town of Woodland, North Carolina, the corporate limits of said town be, and the same is hereby extended to include the following described area:

Beginning with the Southwestern corporate limits of the Town of Woodland at a point in the center of Highway Number two hundred fifty-eight and running thence in a Southwesterly direction seventeen hundred (1,700) feet along said highway and extending on either side of the center of said highway one hundred fifty (150) yards.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 657 **CHAPTER 596**

AN ACT TO AMEND THE CHARTER AND FIX THE CORPORATE LIMITS OF THE TOWN OF JAMESVILLE IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Town of Jamesville, Martin County, North Carolina, shall be and continue a body politic and corporate, under the name and style of the Town of Jamesville, as provided by Chapter one hundred and fifty-eight of the Private Laws of one thousand eight hundred and ninety-one, and by that name shall have perpetual succession, may sue and be sued, may contract and be contracted with, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, and may invest, sell or dispose of same, and may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights and privileges necessary for its proper government or usually appertaining to municipal corporations. Amending Charter of Jamesville.

SEC. 2. The corporate limits and boundaries of the Town of Jamesville shall be as follows: Corporate limits.

Beginning at a stake where the old Jamesville and Washington Railroad right of way comes to the Roanoke River; thence running along and with the old Jamesville and Washington Railroad right of way South three degrees West eight hundred feet, South fifteen degrees thirty minutes West one hundred and seventy feet, and South twenty-five degrees four hundred and thirty feet to the center of United States Highway Number sixty-four; thence continuing on and along the said old railroad right of way South eleven degrees West one thousand two hundred and seventy feet to the center of the Atlantic Coast Line Railroad; thence continuing same course on the old railroad right of way one thousand two hundred and fifty feet to a cedar tree standing on the West side of same; thence running West parallel with said Atlantic Coast Line Railroad at a distance of one thousand two hundred and fifty feet from said railroad, to a point on the Jamesville and Washington Road at or near the top of Cooper Swamp Hill, at a distance of one thousand two hundred and fifty feet from the center of the said Atlantic Coast Line Railroad; thence North sixty degrees thirty minutes West one thousand seven hundred feet, more or less to a stake or point one thousand two hundred and fifty feet from the said Atlantic Coast Line Railroad; thence North thirty-one degrees thirty minutes East to the center of said Atlantic Coast Line Railroad at a culvert one thousand five hundred and sixty-five feet West of Saint Andrews Street; thence along and with a ditch North forty-two degrees thirty minutes East two hundred and fifty-eight feet, and North thirty-two degrees thirty minutes

East one hundred feet, North ten degrees forty-five minutes East one hundred and eighty-five feet, North twenty-eight degrees thirty minutes East one hundred and fifteen feet, North twenty-three degrees East one hundred and eighty feet, North thirty-seven degrees East five hundred and fifty feet, and North thirty-six degrees East one hundred and eighty feet to the center of United States Highway Number sixty-four at a point where the corner of the J. M. Hassel and Mary E. Godard lands corner on said highway; thence along the division line and along a wire fence North twenty-three degrees East one thousand one hundred and fifty feet to a post oak tree standing at the head of a ravine; thence North sixty-nine degrees thirty minutes East six hundred and thirty feet to a stake standing in the old mill path; thence South forty-eight degrees thirty minutes East three hundred and fifty feet to an iron stake on the bank of the Roanoke River; thence down and along the waters edge of the Roanoke River to the point of beginning.

Mayor and 3 Commissioners.

SEC. 3. The corporate powers of the Town of Jamesville shall be exercises as heretofore by a mayor and board of commissioners consisting of three members. The present mayor shall hold office until the next general election and until his successor is elected and qualified; and the present members of the board of commissioners shall constitute the said board until the expiration of their present term of office and until their successors are elected and qualified. The present mayor and board of commissioners shall have the same power and authority heretofore conferred upon them in the area within the present corporate limits of said town together with all such additional powers and authority as may be conferred by this Act.

Biennial elections.

SEC. 4. There shall be an election for the Town of Jamesville on the first Tuesday in May, one thousand nine hundred and forty-five, and biennially thereafter for the purpose of electing a mayor and three commissioners, who shall hold their respective offices for two years and until their successors have been elected and qualified.

Election machinery.

SEC. 5. The Board of Commissioners of the Town of Jamesville shall, at their regular meeting in March in the year one thousand nine hundred and forty-five and biennially thereafter, appoint a registrar and two judges of election. The registrar shall, after giving notice of his appointment by posting notices thereof in three or more public places in the town, register all persons presenting themselves for registration whose right to register and vote meet the requirements under the general election laws: *Provided,* that the person or persons desiring to rgister and vote must have been residents of the town for four months and of the State for one year immediately prior thereto. The registrar shall state in the notices aforesaid the time and

place at which the registration shall be held. The mayor is hereby empowered to appoint a registrar and poll holders or judges of election in case of vacancy for any cause.

Registration.

SEC. 6. In order to revise and correct the voting list, or registration list, in the Town of Jamesville, the board of commissioners, at their regular meeting in March, one thousand nine hundred and forty-five, may order a new registration and call for all the voters in the town to present themselves for registration during the period in which the books are open for the registration of voters for the election of one thousand nine hundred and forty-five.

SEC. 7. The registration and poll books shall be supplied to the registrar by and at the expense of the town. It shall be the duty of the registrar to open the books at the time and place named by he board of commissioners at least thirty days before the day of election herein provided. The registrar and judges of election shall open and close the polls at the same hours as provided for the opening and closing of polls under the general election laws, and the same powers are hereby conferred upon the registrar and judges of election as is provided under the general election laws of the State of North Carolina.

Counting ballots.

SEC. 8. After the polls have been closed, the registrar may call to his assistance as many persons as he may deem necessary to assist him and the poll holders or judges of election in counting the ballots, and shall announce the results thereof publicly, and make returns thereof to the board of commissioners. The board of commissioners are hereby empowered and directed to canvass the returns not later than the following Tuesday night and enter the results on the minutes or journal of the town.

Installation of officers.

SEC. 9. The newly elected mayor and board of commissioners shall, after the returns have been canvassed, meet in the mayor's office or town hall, and, after having duly qualified by taking the oath prescribed by law before some justice of the peace or other person qualified to administer oaths, elect one of their number chairman who shall act as mayor pro tem in the absence of the mayor.

Meetings.

SEC. 10. The mayor shall preside over all meetings of the board of commissioners and shall have the same rights and powers and perform all the duties and exercise all the functions vested in the office under the general laws of the State of North Carolina regulating the same. The mayor shall have the right to vote only in case of an equal division in the votes of the Board of Commissioners of the Town of Jamesville.

Mayor's Court.

SEC. 11. The mayor is hereby constituted an inferior court and as such shall, within the corporate limits of the town, have all the powers, jurisdiction, and authority of justices of the peace

in criminal actions to issue process, to hear and determine all causes of action which may arise upon the ordinances, bylaws and regulations of the town, to enforce penalties by issuing execution on any adjudged violation of the same, and to execute the bylaws, ordinances and regulations of the board of commissioners.

Filling vacancies.

SEC. 12. The mayor shall keep a docket on which he shall enter all warrants, precepts and orders issued by him, together with all his judicial proceedings; and judgments rendered by him shall have the force and effect of judgments rendered by justices of the peace. Such judgments may be enforced against the parties in the courts of Martin County, and elsewhere, in the same manner and by the same means as judgments rendered by a justice of the peace. Any violation of the town ordinances, bylaws or regulations of the Town of Jamesville shall be a misdemeanor, and shall be punished by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days. The mayor shall have exclusive jurisdiction of all misdemeanors under this section.

SEC. 13. If any person elected mayor shall fail or refuse to qualify within ten days after his election, or, in case of a vacancy in the office after the election, the commissioners shall elect some other person as mayor for the term, or the unexpired portion of the term, as the case may be; and on all like occasions and in like manner the commissioners shall elect other commissioners to supply the place or places of such as shall fail or refuse to qualify, and fill all vacancies which shall occur in said board of commissioners.

SEC. 14. In case of a failure to elect municipal officers, to-wit: a mayor and three commissioners at the election hereinbefore provided for, or either of them, on the first Tuesday in May, the electors residing within the town may, after two weeks' notice signed by ten qualified voters and posted at the post office door in said town and four other public places therein, proceed to hold an election for such mayor and commissioners or either of them in the manner provided in the laws of North Carolina, which mayor and commissioners or either of them shall immediately qualify and hold their offices until their successors are elected and qualified.

Powers of Commissioners.

SEC. 15. The Board of Commissioners of the Town of Jamesville, when organized, shall have all the rights, powers and authority prescribed under the general laws for such office, and in addition thereto shall have the following powers:

(a) To supervise, regulate or suppress, in the interest of the public morals, public recreations, amusements and entertainments and to define, prohibit, abate and suppress all things detrimental to health, morals, comfort, safety, convenience and welfare of the people and all nuisances and causes thereof.

(b) To pass such ordinances as are expedient for maintaining and promoting the peace, good government and welfare of the town, and the morals and happiness of its citizens, and for the performance of all municipal functions.

(c) To open new streets, change, widen, extend and close any street that is now or may hereafter be opened and adopt such ordinances for the regulation and use of the streets, sidewalks and playgrounds and other public property belonging to the town as it may seem best for the public welfare of the citizens of the town.

(d) Te regulate, control, restrict and prohibit the use and explosion of dynamite, firecrackers, or other explosives or fireworks of any kind, whether included in the above enumeration or not, and the sale of same, and all noise, amusements or other practices or performances tending to annoy or frighten persons or teams, and the collections of persons on the streets or sidewalks or other public places in the town, whether for purposes of amusements, curiosity or otherwise.

(e) To acquire, establish and maintain cemeteries and to regulate the burial of the dead.

(f) To regulate, restrict and prohibit theaters, carnivals, exhibitions and shows of any kind, and exhibition of natural or artificial curiosities, caravans, and musical and hypnotic exhibitions or performances.

(g) To provide for licensing, regulating or restraining theatrical and other public amusements within said town, and all public bills, posters and advertisements and to enforce such provisions.

(h) To prevent and abate nuisances, whether on public or private property, and to regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health.

(i) To license, prohibit or regulate pool and billiard rooms and dance halls, and, in the interest of public morals, provide for the revocation of such license.

(j) To make suitable regulations for the observation of Sunday in said town and to provide for the enforcement of the same.

(k) To pass all laws, ordinances and regulations necessary or proper to carry into effect the intent and meaning of this charter, provided, they are not incompatible with the Constitution and laws of the State of North Carolina.

(1) To audit all bills and accounts against said town and to appropriate money for their payment, but no money belonging to said town shall be paid out by any officer thereof except upon

appropriation thereof duly and lawfully made by said board of commissioners.

SEC. 16. The foregoing enumeration of particular powers shall not be held or deemed to be exclusive; but, in addition to the powers enumerated or implied or appropriated to the exercise thereof, the Town of Jamesville shall have and may exercise all other powers which under the Constitution of North Carolina may be granted to cities and towns.

Employment of policemen and other personnel.

SEC. 17. The board of commissioners shall appoint or employ all such agents, clerks, assistants and policemen as may be reasonably necessary to properly care for the business and affairs of the town, and shall fix their compensation and the term of their employment. The board may appoint some suitable person to act as town clerk who shall keep the records of the town intact and correct. The clerk shall make a tax list of all property in the town and make out receipts for the collection of the taxes, and, in doing so, the clerk may copy the tax list from the listed property for the county. The board shall appoint a policeman whose duty it shall be to see that the laws, ordinances and orders of the board of commissioners are enforced and to report all breaches thereof of the mayor; to preserve the peace of the town by suppressing disturbances and apprehending all offenders, and, for that purpose and to enforce the State law, the said chief of police shall have all the powers and authority vested in sheriffs and county constables within the corporate limits of the Town of Jamesville. The said chief of police may also act as tax collector under the direction of the board.

Town taxes.

SEC. 18. In order to raise sufficient funds to pay the current expenses of the Town of Jamesville, the interest upon any outstanding debts, and to provide a sinking fund for the payment of all such debts at maturity, and for making all such public improvments as the board of commissioners may from time to time decide to make, and for the purpose of carrying out the provisions of this Act, the board of commissioners may each year levy and collect upon all the real and personal property within the corporate limits of said town an annual ad valorem tax not in excess of one dollar ($1.00) upon each one hundred dollars of assessed value of such property.

License taxes.

SEC. 19. The board of commissioners may annually levy a tax on all trades, professions, franchises, occupations, business or amusements, by whatever name called, which is carried on or enjoyed in whole or in part, within the Town of Jamesville, unless otherwise prohibited by law; and may levy a tax on all shows and exhibitions for reward, and upon all other acts and things which may be the subject of any special or privilege tax in any other municipality in the State of North Carolina whether herein enumerated or not.

Poll tax.

SEC. 20. On all persons residing in the Town of Jamesville, who are subject to a poll tax under the law of the State of North Carolina, a poll tax not to exceed one dollar ($1.00) each may be levied by the board of commissioners of said town.

Tax liens.

SEC. 21. The lien for taxes on any and all property levied for all purposes in each year shall attach to all the real estate of the taxpayer in the town on the first day of May of each year, and shall continue until all taxes, with any penalties and cost which shall accrue thereon, shall be paid. There shall be no lien on personal property for taxes except from the levy thereon. The tax collector shall be clothed with all rights and authority to collect any and all taxes assigned to him in like manner and with all the power and authority as the sheriffs and other county tax collectors including a right to garnishee such moneys, wages or otherwise for the collection of any taxes due and unpaid.

SEC. 22. In addition to the subjects enumerated herein, or in the foregoing sections, the Board of Commissioners of the Town of Jamesville, for the purpose of raising revenue, have power to tax all persons, firms or corporations, and all subjects of taxation which under the Constitution and laws of the State of North Carolina are taxable by the General Assembly for State and county purposes: *Provided*, that such tax shall not exceed one half of that levied annually by the State and county for State and county purposes.

SEC. 23. The Board of Commissioners of the Town of Jamesville may provide that all licenses issued hereunder shall be posted at some public place in the town as they deem proper, and the Board of Commissioners of the Town of Jamesville shall have the power to regulate, restrict, prohibit and revoke any license issued under the provisions of this Act.

SEC. 24. The Board of Commissioners of the Town of Jamesville shall have entire supervision and control of any and all of the plans, provisions and work established under this Act, and is hereby authorized to elect all such agents, servants, and employees as it may deem proper, and pay the same from any of the revenues of the town not otherwise appropriated, and to do all proper things to carry into effect the intent of this Act.

Constitutionality

SEC. 25. If any section, clause, phrase or part of this Act is found to be unconstitutional, it shall not in any way affect the remainder of this Act.

Conflicting laws repealed.

SEC. 26. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 27. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 664 **CHAPTER 597**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF MONROE SO AS TO INCLUDE THE AREA NOW CONSTITUTING THE TOWN OF BENTON HEIGHTS; PROVIDING FOR THE DISPOSITION OF THE OBLIGATIONS AND ASSETS OF THE TOWN OF BENTON HEIGHTS AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Extending limits of Monroe.

SECTION 1. That the corporate limits of the City of Monroe are hereby extended so as to include all the area now embraced within the corporate limits of the Town of Benton Heights as set forth in Chapter two hundred and eighty-seven of the Private Laws of one thousand nine hundred and thirteen.

Present officers of Benton Heights.

SEC. 2. That the terms of office of the Mayor and the members of the Board of Aldermen of the Town of Benton Heights are hereby extended to July first, one thousand nine hundred and forty-five, in the event the majority of the voters shall vote for annexation.

Assets of Benton Heights transferred to Monroe.

SEC. 3. That all assets of the Town of Benton Heights including cash, bonds, notes, taxes due, accounts receivable, tax sale certificates, and all other property or assets of whatsoever kind or nature of said town are hereby transferred and assigned to the City of Monroe.

Benton Heights Bond and Improvement Fund.

SEC. 4. That all cash in the treasury of the Town of Benton Heights on the effective date of this Act shall be deposited by the City of Monroe, when such funds are transferred to it, in a special fund or account to be known as the "Benton Heights Bond and Improvement Fund" to be used for the following purposes only:

1. For the retirement of any outstanding indebtedness and/or interest due and payable by the Town of Benton Heights which shall become due and payable on or before January first, one thousand nine hundred and forty-six.

2. Any moneys remaining in said fund after the payment of any such maturities then may be used for paying any current accounts or for improving, maintaining, and/or extending streets, sidewalks, or other public improvements within the area formerly embraced within the corporate limits of the Town of Benton Heights, and for no other purpose.

Monroe assumes obligations of Benton Heights.

SEC. 5. That the full liability for any and all obligations of whatsoever kind or nature of the Town of Benton Heights outstanding on the effective date of this Act shall be assumed by the City of Monroe, and that the full faith and credit of the

City of Monroe shall be pledged to the prompt payment of such obligations.

Records to be transferred.

SEC. 6. That on the effective date of this Act, all records and other official papers of the Town of Benton Heights shall be immediately transferred to the office of the City Clerk of the City of Monroe.

Monroe ordinances to extend to new area.

SEC. 7. That on the effective date of this Act, all provisions of the charter and ordinances of the City of Monroe shall become effective in the area formerly constituted within the boundaries of Benton Heights; and Chapter two hundred and eighty-seven of the Private Laws of one thousand nine hundred and thirteen and all amendments thereto, and all ordinances of the Town of Benton Heights, are hereby repealed as of the effective day of this Act.

Referendum to pass on this Act.

SEC. 8. That before the provisions of this Act shall go into effect the question of annexation and repeal of the charter of Benton Heights shall be submitted to the qualified voters of the Town of Benton Heights at the general election to be held on the eighth day of May, one thousand nine hundred and forty-five; that at such election those voters who favor the annexation herein provided for shall vote a ballot on which shall be printed the words "for annexation"; and those opposed shall vote a ballot on which shall be printed the words "against annexation." If a majority of the votes cast shall be for annexation, then this Act and all of its provisions shall be in full force and effect from and after July first, one thousand nine hundred and forty-five; if a majority of said votes cast shall be against annexation then the provisions of this Act shall be null and void and of no effect.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 14th day of March, 1945.

H. B. 672 CHAPTER 598

AN ACT TO AMEND CHAPTER EIGHTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED FORTY-ONE RELATING TO THE CHARTER OF THE TOWN OF ROLESVILLE.

The General Assembly of North Carolina do enact:

Amending Charter of Rolesville.

SECTION 1. That Section two of Chapter eighty-four of Private Laws of one thousand nine hundred forty-one be amended by striking out all of said Section two and inserting in lieu thereof the following:

Corporate limits.

SEC. 2. That the corporate limits of said town shall be described as follows:

The reference point for surveying the boundary lines shall be the intersection of Highway Number fifty-nine (Raleigh to Louisburg) and the Wake Forest-Wendell Highway in the center of the Town of Rolesville.

The Northeast corner of the town boundary is North fifty degrees East two thousand six hundred and forty feet (one half mile) from the reference point (center of town). This reference line follows Highway Number fifty-nine for about one thousand and two hundred feet until the highway curves to the right. Said Northeast corner is designated by a marker and three chopped pines as pointers.

The Northern boundary of the Town of Rolesville proceeds from this Northeast corner North eighty-five degrees West three thousand seven hundred thirty-three and one tenths feet to a stake with gum and oak pointers, crossing the Wake Forest Road at two thousand feet at right angles and on to the Northwest corner of the town limits.

The Western boundary proceeds from this Northwest corner crossing a branch at about one hundred and twenty feet, South five degrees West three thousand seven hundred thirty-three and one tenths feet centering a high rock at one thousand four hundred and fifty-three feet crossing Rolesville-Forestville Road at two thousand five hundred and sixty-seven feet and crossing Highway Number fifty-nine at three thousand six hundred and forty feet and coming to a marker in Mr. C. C. Merritt's yard Southwest corner of town limits; said Southwest corner being one half mile from reference point in center of town.

The Southern boundary proceeds from this Southwest corner in Merritt's yard through his dwelling, across the Southern edge of Rolesville High School lot and on toward the colored church, South eighty-five degrees East three thousand seven hundred thirty-three and one tenths feet to a marker, the Southeast corner of the town boundary.

The Eastern boundary proceeds from this Southeast corner North five degrees East three thousand seven hundred thirty-three and one tenths feet to the beginning and containing about three hundred and twenty acres. Magnetic bearings used February, one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 676 **CHAPTER 599**

AN ACT TO CREATE A COUNTY SERVICE OFFICER AND COUNTY BOARD OF VETERANS FOR LEE COUNTY

The General Assembly of North Carolina do enact:

Creating Lee County Board of Veterans Affairs.

SECTION 1. There is hereby created a county agency to be known as the Lee County Board of Veterans Affairs, and the office of County Service Officer of Lee County. *Provided* the Lee County Board of Veterans Affairs and its employees are authorized to function in cooperation with and subject to the control and supervision of the North Carolina Veterans Commission. *Provided further* that the Board of Veterans Affairs of Lee County is authorized to cease its operations if and when a branch or district office of the North Carolina Veterans Commission is established in Lee County.

Membership of Board.

SEC. 2. The membership of the Board of Veterans Affairs shall consist of six persons all of whom shall be residents of Lee County, five to be appointed by the Governor, and the sixth to be the chairman of the board of county commissioners, serving ex officio. In order to secure an overlapping membership and a continuity of policy for the initial terms, two members shall be appointed for a term of two years, two for a term of three years, and one for a term of four years, and thereafter the successor of each shall be appointed for a term of four years. The chairman of the board of county commissioners shall be ex officio, chairman of the Board of Veterans Affairs. Vacancies in the board shall be filled by the Governor for the unexpired term.

Powers of Board.

SEC. 3. The board shall have the following powers and duties:

Study laws relating to veterans.

(1) To acquaint itself and the county service officer with the laws, Federal, State, and local enacted for the benefit of members of the armed forces, veterans, their families and dependents.

Employ county service officer.

(2) To employ a suitable and qualified person as county service officer, preference being given to a veteran, and such other personnel as may be necessary for the carrying out of the purposes of this Act.

Cooperate.

(3) To cooperate with National, State, and local governmental and private agencies or instrumentalities in securing services and benefits for veterans, their families and dependents.

Accept gifts.

(4) To accept any property, funds, services, or facilities from any source, public or private, granted in aid or furtherance of the administration of the provisions of this Act, provided that no financial obligation shall be incurred thereby.

Monthly meetings.

(5) The Board of Veterans Affairs shall meet monthly and may be convoked at other times by the chairman, or by request of any three members.

Report quarterly.

(6) The Board of Veterans Affairs shall report to the board of county commissioners quarterly in January, April, July, and October, making a detailed report of its activities during the preceding quarter.

County service officer.

SEC. 4. The county service officer shall be charged with the following duties:

Collect information.

(1) To collect data and information, as to the services available to members of the armed services, veterans, their families and dependents, and the provisions of Federal, State, and local laws affording rights, privileges, and benefits to the members of the armed forces, veterans, their families and dependents, and other matters of similar, related, or appropriate nature.

Serve veterans.

(2) To assist veterans, their families and dependents in the presentation, processing, proof and establishment of such claims, privileges, rights and other benefits as they may have under Federal, State, or local laws, and shall cooperate with any agency set up under such law.

Salary.

SEC. 5. The county service officer shall receive such salary as the County Board of Veterans Affairs and the Board of County Commissioners of Lee County, meeting in joint session, may determine. The salaries so fixed and the operating expenses of the Board of Veterans Affairs shall be paid monthly by Lee County, and the board of county commissioners is hereby directed, authorized and empowered to levy a special annual tax of not exceeding four cents (4c) on each one hundred dollars of taxable property in Lee County or a total levy not to exceed five thousand dollars ($5,000.00) per annum, and to appropriate and apply so much of such funds as may become necessary to give effect to the provisions of this Act. None of the proceeds of the levy herein provided shall be diverted or applied to any purpose other than to give effect to the provisions of this Act. The term of office of county service officer shall be at the pleasure of the Board of Veterans Affairs. Such service officer may be discontinued at the will of the County Board of Veterans Affairs in its discretion.

SEC. 6. As a guide to the interpretation of this Act, the public policy is declared to be as follows:

Proper and adequate facilities for the purpose of informing and aiding all veterans, their families, and dependents of the availability of (a) educational training and retraining facilities, (b) health, hospitalization, and medical rehabilitation, (c) employment and reemployment services, (d) rehabilitation and

reentry into business, (e) provisions of Federal, State, and local laws affording rights, privileges, and benefits to veterans, their families, and dependents, and (f) providing an agency to aid all veterans, their families and dependents in the preparation and presentation of their claims for such rights, privileges and benefits, are of general interest and concern and a function requiring appropriate action of the governing body of Lee County. The General Assembly, therefore, declares that in its considered judgment the public good and general welfare of the citizens of Lee County require an adequate veterans aid program, such as herein provided for, and that the estblishment and operation of a veterans aid program is a governmental function and a necessary expense as defined in Article V, Section six, and Article VII, Section seven, of the Constitution of North Carolina.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 8. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 14th day of March, 1945.

H. B. 679 CHAPTER 600

AN ACT INCREASING THE SALARIES OF THE SHERIFF, CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of Sheriff of Rutherford County.

SECTION 1. From and after July first, one thousand nine hundred and forty-five, the present salary of the Sheriff of Rutherford County shall be increased to three thousand three hundred dollars ($3,300.00) per annum.

Clerk of Superior Court.

SEC. 2. From and after July first, one thousand nine hundred and forty-five, the present salary of the Clerk of the Superior Court of Rutherford County shall be increased to three thousand dollars ($3,000.00) per annum.

Register of Deeds.

SEC. 3. From and after July first, one thousand nine hundred and forty-five, the present salary of the Register of Deeds of Rutherford County shall be increased to two thousand six hundred dollars ($2,600.00) per annum. That the said sheriff, clerk of the superior court, and register of deeds shall not be paid or receive any other salary, commission, or fee in addition to the above for all their services rendered.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 686 CHAPTER 601

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO LEVY SPECIAL TAXES FOR THE SALARIES AND EXPENSES OF OFFICES OF COUNTY ACCOUNTANT, COUNTY AUDITOR, AND FARM DEMONSTRATION AGENT.

The General Assembly of North Carolina do enact:

Authorizing Anson County to levy special tax for support of County Accountant.

SECTION 1. The Board of Commissioners of Anson County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county accountant and expenses of maintaining the office of county accountant necessary for the performance of his duties as prescribed in the County Fiscal Control Act, Chapter one hundred and forty-six, Public Laws of one thousand nine hundred and twenty-seven, as amended.

For County Auditor.

SEC. 2. The Board of Commissioners of Anson County is hereby authorized to set up and establish the office of county auditor and to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county auditor thus appointed and the necessary expenses incident to the performance of his work as county auditor.

For County Farm Agent.

SEC. 3. The Board of Commissioners of Anson County is hereby authorized to levy annually on all taxable property in said county a special tax for special purpose of paying the salary of the county farm demonstration agent and the necessary expenses incident to the performance of his work as farm demonstration agent.

Constitutionality.

SEC. 4. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 694 **CHAPTER 602**

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND EIGHT OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, PROVIDING FOR THE CREATION OF A RETIREMENT SYSTEM FOR THE EMPLOYEES OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Amending law relating to retirement system in Wilmington.

SECTION 1. That Section seven of said Chapter seven hundred and eight of the Laws of the Session of one thousand nine hundred forty-three be amended and supplemented by adding the following subsections and provisions to Section seven of this Act:

Benefits extended to employees of Associated Charities.

(d) That each regular employee of the Associated Charities of Wilmington, North Carolina, is hereby made and declared to be eligible to receive the benefits provided under this Act, in accordance with its terms and provisions, and to be subject to the provisions of this Act and subject to the rules, regulations and management as provided in this Act, and particularly Section five hereof, in the same manner and to the same extent as all persons designated as employees in this Act, provided the deductions and payments, as herein required, are made and paid over to the Board of Trustees of the Retirement System of the City of Wilmington; said payments to begin and be paid in from July first, one thousand nine hundred and forty-three.

Deductions from salaries of foregoing employees.

(e) The Board of Directors of the Associated Charities of Wilmington, North Carolina, is hereby required to deduct or cause to be deducted monthly from the salaries or compensation paid monthly to its regular employees a sum equal to four per centum of the salaries or compensation paid such employees. The board of directors is further authorized and required to deduct monthly from its receipts and/or funds in hand a sum equal to five per centum of the aggregate of all salaries or compensation paid to its regular employees; and said board is further authorized and directed to pay over monthly to the Board of Trustees of the Retirement System of the City of Wilmington the aforesaid deductions and funds; said payments to begin and be paid in from July first, one thousand nine hundred and forty-three, to provide funds to make the regular employees of said board eligible to the benefits of this Act and to make said employees subject to the provisions of this Act, and so that the rights and benefits to be earned by said employees shall be the same as other employees who became eligible hereunder as of July first, on thousand nine hundred and forty-three. Nothing herein shall be construed to include any officer or director of the Associated Charities of Wilmington, North Carolina, as eligible for benefits under this Act, nor eligible to become members of said retirement system.

Benefits extended to employees of liquor board.

(f) That each regular employee of the New Hanover County Alcoholic Beverage Control Board is hereby made and declared to be eligible to receive the benefits provided under this Act, in accordance with its terms and provisions of this Act and subject to the rules, regulations and management as provided in this Act, and particularly Section five hereof, in the same manner and to the same extent as all persons designated as employees in this Act, provided the deductions and payments, as herein required, are made and paid over to the Board of Trustees of the Retirement System of the City of Wilmington; said payments to begin and be paid in from July first, one thousand nine hundred and forty-three. The New Hanover County Alcoholic Beverage Control Board is hereby required to deduct or cause to be deducted money from the salaries or compensation paid monthly to its regular employees a sum equal to four per centum of the salaries or compensation paid said employees. The said board is further authorized and required to deduct monthly from its receipts and/or funds in hand a sum equal to five per centum of the aggregate of all salaries or compensation paid to its regular employees; and said board is further authorized and directed to pay over monthly to the Board of Trustees of the Retirement System of the City of Wilmington the aforesaid deductions and funds; said payments to begin and be paid in from July first, one thousand nine hundred and forty-three, to provide funds to make the regular employees of said board eligible to the benefits of this Act and to make said employees subject to the provisions of this Act, and so that the rights and benefits to be earned by said employees shall be the same as other employees who became eligible hereunder as of July first, one thousand nine hundred and forty-three. Nothing herein shall be construed to allow or permit the members of the Alcoholic Beverage Control Board of New Hanover County to be eligible to benefits under the Act, or shall become members of said retirement system.

(g) Upon the ratification of this Act the City of Wilmington was required to provide in addition to all other receipts contemplated by said Act the sum of fifteen thousand dollars ($15,000.00) as a part of the capital fund or assets necessary to properly administer the retirement system provided for in this Act, and the average number of regular employees of the New Hanover County Alcoholic Beverage Control Board is such that an additional capital contribution in the sum of two thousand dollars ($2,000.00) over and above the deductions and payments as hereinbefore authorized and required is necessary to be provided and paid over to the Board of Trustees of the Retirement System of the City of Wilmington as a necessary and proper supplement to the funds to be administered by the Board of Trustees of the Retirement System of the City of Wilmington to the end that the provisions of this Act may be properly carried out and administered.

(h) The New Hanover County Alcoholic Beverage Control Board is hereby authorized and directed upon the ratification of this Act to promptly pay over to the Board of Trustees of the Retirement System of the City of Wilmington the sum of two thousand dollars ($2,000.00) for the purposes set forth in Subsection (g). The said New Hanover County Alcoholic Beverage Control Board is hereby directed and empowered to take credit in its accounts for the disbursements authorized and required by this Act. Contribution by liquor board.

SEC. 2. That if any section, subsection or portion of this Act shall be declared to be unconstitutional or invalid, it shall in no way invalidate the other provisions of this Act. Constitutionality.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 696 CHAPTER 603

AN ACT TO AMEND THE CHARTER OF THE TOWN OF OLD FORT.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Old Fort be defined and located as follows:

Beginning on the Southeast corner of the Mauney tract of land, near the county bridge across the Catawba River, and runs Northwesterly with said Mauney's line, crossing the Crooked Creek public road to a stake in the line of the Salisbury lands; then Northwesterly to the old Salisbury mill dam on Mill Creek; then up said creek as it meanders, passing the mouth of the second branch, to a spruce pine on the North bank of the said creek; then Eastwardly to the Northwest corner of the cemetery for white people; then Eastwardly and Southwesterly with the line of the said cemetery and the line of the property formerly owned by United States Leather Company to a stake in the center of the main line of the Southern Railway and in the line of the Clearwater Manufacturing Company, said stake being located South fifty-eight degrees (58-00) West one thousand eight hundred fourteen and eighty-two one hundredths (1814.82) feet from the Northeastern corner of the property of Clearwater Manufacturing Company, and also located North fifty-eight degrees (58-00) East eighty-six and ninety-eight one hundredths (86.98) feet from the center of the culvert under the said railroad tracks at Butcher's Branch, and runs thence with the center Extending corporate limits of Old Fort.

of the main line of the Southern Railway track South fifty-eight degrees (58-00) West two thousand seven hundred fifty-two and eighty one hundredths (2752.80) feet to a point in said railway track; thence continuing with the center line of said railway track in a Southwesterly direction to a stake in the original center line of said railway and in the Eastern margin of Mauney Avenue; thence with said Eastern margin of Mauney Avenue and with the line of the Clearwater Manufacturing Company and continuing beyond Water Street South three degrees and sixteen minutes (3-16) East six hundred ninety-nine and fifty one hundredths (699.50) feet to a point in the center of Mill Creek; then down and with the center of said creek and with the line of the Clearwater Manufacturing Company to the point where Mill Creek and Catawba River run together; thence up the center of Catawba River as it meanders to the beginning.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 3. That this Act shall be in full force and effect on and after the first day of July, one thousand nine hundred and forty-five.

Ratified this the 14th day of March, 1945.

H. B. 697 CHAPTER 604

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF COLERAIN, BERTIE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Extending corporate limits of Colerain.

SECTION 1. That the corporate limits of the Town of Colerain, in Bertie County, are hereby extended so that the corporate limits of the said town shall be as follows:

New limits.

Beginning at a point on the "New Barn Road" thirty-one (31) poles from the Southern edge of the "River Road," and running thence North eighty-seven and one half (87½) degrees West one hundred and sixteen (116) poles to the Windsor Road; thence the same course to a water oak in line formerly known as Britton's line; thence North eleven (11) degrees East to a point one hundred (100) yards from the Southern edge of the highway leading to Powellsville; thence running a Westerly direction parallel with the said highway a distance of two hundred (200) yards; thence turning to right and running at right angles across said highway to a point one hundred (100) yards from the Northern edge of said highway; thence turning to right and running parallel with said highway a distance of two hundred (200) yards; thence turning to the left and running along a line formerly known as J. H. Simon's line, and continuing North

seventy-six (76) degrees East to a point one hundred (100) yards West of the street leading to Harrellsville; thence turning to the left and running parallel with said street or road a distance of two hundred (200) yards; thence turning to the right and running at right angles across said highway leading to Harrellsville to a point one hundred yards (100) from the Eastern edge of said highway; thence turning to the right and running at all times parallel with said highway and one hundred (100) yards from the same to the Northeast corner of the old W. B. Watford lot; thence South sixty-two (62) degrees East ninety-four (94) poles to an old well near the pathway in the J. O. Saunders field; thence South eleven (11) degrees West nineteen (19) poles to a point one hundred (100) yards from the River Road; thence turning to left and running an Easterly direction parallel with the River Road a distance of three hundred (300) yards; thence turning to the right, at right angles, and running across said River Road and extending from the Southern edge thereof a distance of one hundred (100) yards; thence turning to the right and running parallel with said River Road to the New Barn Road; thence Southerly along said New Barn Road to the point of beginning.

Authority extended over new area.

SEC. 2. That all powers and authority given the officers of the Town of Colerain over the original territory named in the Act incorporating said town are given said officers over the new limits added thereto as named in this Act.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 725 CHAPTER 605

AN ACT RELATING TO THE SALARIES OF CERTAIN OFFICERS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of Tax Collector for Columbus County.

SECTION 1. That the salary of the Tax Collector for Columbus County shall be fixed by the board of commissioners of said county in an amount not to exceed four thousand five hundred dollars ($4,500.00) a year. The board of commissioners of said county are authorized, in their discretion, to furnish such clerical help as may be needed by the tax collector and fix the salary or salaries of such employees.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 3. That this Act shall be in full force and effect from and after the first day of July, one thousand nine hundred and forty-five.

Ratified this the 14th day of March, 1945.

H. B. 727 CHAPTER 606

AN ACT TO INCREASE THE FEES OF JURORS IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Increasing fees of jurors in Yadkin County.

SECTION 1. From and after July first, one thousand nine hundred and forty-five, the per diem fees of jurors in Yadkin County shall be increased from two dollars ($2.00) to three dollars ($3.00).

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 736 CHAPTER 607

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIX OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE FIXING OF THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF NEW HANOVER COUNTY.

Relating to salaries of officers in New Hanover County.

WHEREAS, under the provisions of Section one of Chapter three hundred and six of the Public-Local Laws of North Carolina, Session one thousand, nine hundred and forty-one, the County Commissioners of New Hanover County were authorized to fix the salaries of certain county officers within the limits prescribed in said Act; and

WHEREAS, in the exercise of such authority the county commissioners, through inadvertance, increased the salary of the Judge of the Recorders Court of New Hanover County and the solicitor of said court beyond the limits prescribed in said Act so that the said officers received compensation for a period of time in excess of said limits: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. That all salaries heretofore paid to the Judge of the Recorders Court of New Hanover County and the solicitor of said court in excess of the limits provided for in Chapter three hundred and six of the Public-Local Laws, Session one thousand, nine hundred and forty-one, be and the same are hereby ratified and confirmed and the said County Commissioners of New Hanover County and the judge and solicitor of the recorders court thereof are hereby relieved of any liability by reason of said excess salary payments. Validating certain salaries.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 744 CHAPTER 608

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter three hundred and thirty of the Session Laws of one thousand nine hundred and forty-three is hereby amended by rewriting the third sentence of said Section one so that said third sentence shall hereafter read as follows: Amending law relating to salaries of certain officers of Moore County.

The Board of County Commissioners of Moore County is hereby authorized and empowered, in its discretion, to expend such sums as it shall deem proper for necessary assistants, deputies, or clerical employees for the clerk of the superior court.

SEC. 2. Amend Section two of Chapter three hundred and thirty of the Session Laws of one thousand nine hundred and forty-three by rewriting said section so that the same shall hereafter read as follows:

SEC. 2. The Register of Deeds of Moore County shall receive as full compensation, for all the duties required by law to be performed by him or her, a salary to be fixed by the board of commissioners of said county, of not less than two thousand five hundred dollars ($2,500.00), nor more than three thousand dollars ($3,000.00) per annum, payable monthly. All fees and Register of Deeds.

commissions required or allowed by law to be paid to the register of deeds shall be collected by him or her and turned over monthly to the county auditor for deposit in the general fund of the county. The Board of County Commissioners of Moore County is hereby authorized and empowered to expend such sums as it may deem proper for all necessary assistants, deputies or clerical employees for the register of deeds. The board of county commissioners shall determine the number of assistants, deputies or clerical employees needed by the register of deeds, and shall determine the apportionment of the amount which it is herein authorized to expend for such purposes among such assistants, deputies or clerical employees.

SEC. 3. Amend Section four of Chapter three hundred and thirty of the Session Laws of one thousand nine hundred and forty-three by rewriting said Section four so that the same shall hereafter read as follows:

SEC. 4. This Act shall be in full force and effect from and after the first Monday in December, one thousand nine hundred and fifty.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 748 CHAPTER 609

AN ACT TO FIX THE SALARIES OF THE MEMBERS OF THE BOARD OF EDUCATION, THE BOARD OF HEALTH AND THE BOARD OF PUBLIC WELFARE OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of certain board members in Bertie County.

SECTION 1. That as compensation for their services the members of the Board of Education, the Board of Health and Board of Public Welfare of Bertie County shall be paid the sum of ten dollars ($10.00) per diem each for every day the respective boards are in session, regular or special, and shall be paid in addition thereto as travel expense the sum of ten cents (10c) per mile, one way, for the distance traveled from the residence of the member to the place of meeting.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 772 **CHAPTER 610**

AN ACT TO DEFER THE QUADRENNIAL ASSESSMENT AND VALUATION OF PROPERTY IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Deferring quadrennial assessment in Wayne County.

SECTION 1. That the Board of County Commissioners of Wayne County, the supervisor of taxation, the township boards, and list takers and assessors, and all other officials charged with any duties in connection with the quadrennial assessment and valuation of property, as provided for in the Machinery Act of one thousand nine hundred thirty-nine and the amendments thereto, be and they are hereby authorized, empowered, and directed to discontinue and defer the performance of any duties imposed upon them with respect to the quadrennial assessment and valuation of property for the year one thousand nine hundred forty-five, as provided for in said Machinery Act of one thousand nine hundred thirty-nine and the amendments thereto.

SEC. 2. That the said quadrennial assessment and valuation of property for the County of Wayne for the year one thousand nine hundred and forty-five is hereby postponed and deferred until the regular listing time in the year one thousand nine hundred forty-six, at which time the said quadrennial assessment and valuation of property for the County of Wayne shall be done under the procedure and provisions of the Machinery Act of one thousand nine hundred thirty-nine and the amendments thereto, which is hereby made applicable to such revaluation and assessment so deferred: *Provided, however,* that at any time prior to the time for the said valuation and assessment in one thousand nine hundred and forty-six, the Commissioners of the County of Wayne, upon facts which they shall find warranting the same for the best interest of the county, are hereby authorized and within their discretion directed to further postpone the said revaluation until the regular listing in one thousand nine hundred forty-seven: *And provided further however,* that any time prior to the time for the said valuation and assessment in one thousand nine hundred and forty-seven, the Commissioners of the County of Wayne, upon facts which they shall find warranting the same for the best interest of the county, are hereby authorized within their discretion to further postpone the said revaluation until the regular listing time in one thousand nine hundred forty-eight; *and provided further however,* that any time prior to the time for the said valuation and assessment in one thousand nine hundred and forty-eight, the Commissioners of the County of Wayne, upon facts which they shall find warranting the same for the best interest of the county, are hereby authorized within their discretion to further postpone the said revaluation until the regular listing time in one thousand nine hundred forty-nine.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 774 CHAPTER 611

AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF, MOORE COUNTY, NORTH CAROLINA, TO SELL TOWN REAL ESTATE AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Authorizing Pinebluff to sell certain property at private sale.

SECTION 1. That real estate acquired by the Town of Pinebluff, Moore County, North Carolina, at tax foreclosure sales, may be sold and conveyed by the said town at private sale, whether the title to the said real estate is vested in the name of the said Town of Pinebluff or in the name of a trustee for the said town.

Execution of deeds.

SEC. 2. That in order to convey real estate owned in the name of the said Town of Pinebluff, it shall be necessary for the deed of conveyance to be executed by the mayor and the town clerk of the said town, but where real estate is held in the name of a trustee for the said town, it shall be lawful for the said trustee to convey the same to any person, firm or corporation without the signature of either the mayor or city clerk.

Validating prior sales.

SEC. 3. All real estate heretofore sold at private sale by the said Town of Pinebluff and deed for same made and executed by Levi Packard, Trustee, is hereby validated.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this 14th day of March, 1945.

H. B. 775 CHAPTER 612

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITY OF THE TOWN OF ABERDEEN, MOORE COUNTY, TO ADJUST DELINQUENT TAXES.

The General Assembly of North Carolina do enact:

Authorizing Aberdeen to adjust delinquent taxes.

SECTION 1. The governing authority of the Town of Aberdeen in Moore County, is authorized and empowered to adjust, reduce, compromise, agree upon or otherwise settle any delin-

quent taxes now due said Town of Aberdeen or any taxes which hereafter may become delinquent, including the right to compromise, settle and adjust all notes receivable or other evidences of indebtedness directly or indirectly due said Town of Aberdeen.

SEC. 2. That this power of compromise, adjustment and settlement may be exercised regardless of whether any action at law or any proceeding whatsoever has been instituted to foreclose any tax sales certificates, for the collection of any delinquent taxes or for the collection of any notes receivable or any other evidences of indebtedness directly or indirectly due the Town of Aberdeen.

Power retroactive.

SEC. 3. It is the intent and purpose of this Act that this power of adjustment, compromise and settlement shall be retroactive and apply to all delinquent taxes heretofore levied and now due, as well as to all taxes which may in the future become delinquent, and likewise to all notes receivable and evidences of indebtedness now accrued and past due, as well as all such notes and evidences of indebtedness which may become due or past due in the future.

Validating prior adjustments.

SEC. 4. All acts of the governing authority of the Town of Aberdeen heretofore done in adjusting, settling, compromising and collecting any of said delinquent taxes, notes receivable or other evidences of indebtedness whatsoever for any and all prior years are hereby approved, declared to be lawful and within the power of said governing authority of the Town of Aberdeen, and the same are hereby validated.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 777 CHAPTER 613

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF PERSON COUNTY TO FIX THE COMPENSATION PAID TO THE COUNTY TREASURER.

The General Assembly of North Carolina do enact:

Relating to salary of Treasurer of Person County.

SECTION 1. That the Board of Commissioners of Person County are hereby authorized in their discretion to fix the amount to be paid the treasurer of the county for his services and the treasurer of the county shall be paid for serving in that capa-

city such amount as may be fixed and determined upon by the board of county commissioners.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

H. B. 787 **CHAPTER 614**

AN ACT TO FACILITATE THE COLLECTION OF TAXES AND ASSESSMENTS IN CARTERET COUNTY AND THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Relating to adjustment and collection of taxes in Carteret County.

SECTION 1. That Carteret County and the municipalities of Morehead City, Beaufort, and Newport be, and they each are hereby, authorized jointly or severally to purchase or accept deeds from delinquent taxpayers for real estate on which the county or either of the said municipalities has tax liens, without the necessity of foreclosure and the title to such property may be taken in the corporate name of the county or municipality or in the name of trustees, agents, or attorneys: *Provided,* that said municipalities may only acquire property located within its respective corporate limits. Said county and municipalities may sell and convey such properties acquired by them jointly or severally at either private or public sale upon terms and conditions approved by the governing bodies of the county or affected municipality and if title to such property is in the name of a trustee, agent, or attorney for the county or either of said municipalities, such trustee, agent, or attorney may convey said property when authorized to do so by proper resolution of the county or affected municipality without the joinder of the cestui que trust and the provisions hereof shall apply to properties heretofore as well as those which may be hereafter acquired.

Validating prior sales.

SEC. 2. That the purchases, sales, and conveyances heretofore made as provided in Section one hereof are hereby ratified and validated and any deed or deeds heretofore made by any trustee for the County of Carteret or either of the municipalities herein named shall be and are as effective as if either of said units of government had joined in the execution thereof.

SEC. 3. This Act shall be construed as supplemental to and not as repealing the present tax foreclosure law of Carteret County and especially Chapter three hundred fifty-four of the Private Laws of one thousand nine hundred and thirty-nine.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of March, 1945.

S. B. 91 **CHAPTER 615**

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER ONE HUNDRED AND EIGHT OF THE GENERAL STATUTES RELATIVE TO OLD AGE ASSISTANCE AND AID TO DEPENDENT CHILDREN SO AS TO PROVIDE FOR FULL CONFORMITY WITH THE PROVISIONS OF THE SOCIAL SECURITY ACT.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter one hundred and eight of the General Statutes of North Carolina is hereby amended as follows:

Amending law relating to old age assistance and aid to dependent children.

(1) Amend the last paragraph of Section one hundred and eight - twenty-one by striking out in line ten the words and figures "thirty dollars ($30.00)" and substituting in lieu thereof the words and figures "forty dollars ($40.00)"; by striking out in line eleven the words and figures "three hundred sixty dollars ($360.00)" and substituting in lieu thereof the words and figures "four hundred eighty dollars ($480.00)"; by striking out in lines twelve and thirteen the words and figures "fifteen dollars ($15.00)" and substituting in lieu thereof the words and figures "twenty dollars ($20.00)"; and by striking out in lines thirteen and fourteen the words and figures "one hundred eighty dollars ($180.00)" and substituting in lieu thereof the words and figures "two hundred forty dollars ($240.00)."

Amending Section 108-25.

(2) Amend Section one hundred and eight - twenty-five by changing the period at the end of the last sentence to a colon and adding the following proviso:

Provided, that if at any time during any fiscal year it appears to be necessary and feasible, the county may transfer with the approval of the State Board of Allotments and Appeal a portion of the amount raised by the county for old age assistance to the county aid to dependent children fund.

Amending Section 108-30.

(3) Amend the third paragraph of Section one hundred and eight - thirty by striking out in lines seven and eight the words and figures "thirty dollars ($30.00)" and substituting in lieu thereof the words and figures "forty dollars ($40.00)"; by striking out in lines eight and nine the words and figures "three hundred sixty dollars ($360.00)" and substituting in lieu thereof the words and figures "four hundred eighty dollars ($480.00)"; by striking out in line eleven the words and figures "fifteen dol-

lars ($15.00)" and substituting in lieu thereof the words and figures "twenty dollars ($20.00)"; and by striking out in line twelve the words and figures "one hundred eighty dollars ($180.00)" and substituting in lieu thereof the words and figures "two hundred forty dollars ($240.00)."

Amending Section 108-32.

(4) Amend Section one hundred and eight - thirty-two by adding a new paragraph at the end thereof to read as follows:

In the event of the death of an old age assistance recipient during or after the first day of the month for which a grant was previously authorized by the county welfare board, any old age assistance check or checks payable to such recipient, not endorsed prior to such recipient's death, shall be endorsed by the clerk of the superior court of the county on which the check was drawn and the proceeds thereof paid to the spouse of the deceased recipient. If there is no living spouse, the proceeds of such check or checks shall be applied to the funeral expenses of such deceased recipient.

Amending Section 108-38.

(5) Amend Section one hundred and eight - thirty-eight as follows:

(a) Strike out the words "of this article" in line eleven of the first paragraph and substitute therefor the words "of the public welfare program."

(b) Strike out the first two sentences of the second paragraph and substitute therefor the following:

After being so determined, an amount not to exceed one half of such costs shall be allocated and paid to the respective counties by the State Board of Allotments and Appeal from the appropriation made by the State for aid to county welfare administration. The balance of said county administrative expenses shall be paid by the respective counties.

Amending Section 108-48.

(6) Amend Section one hundred and eight - forty-eight by adding at the end thereof the following:

Provided further, that within the limitations of the State appropriation the maximum amount per child may be increased not in excess of the amount which may hereafter be matched by the Federal Government.

Amending Section 108-49.

(7) Amend Section one hundred and eight - forty-nine as follows:

(a) Strike out the words "under sixteen years of age or under eighteen years of age if regularly attending school" in lines three and four and substitute in lieu thereof the words "under eighteeen years of age."

(b) Change the colon to a period after the word "support" in line twenty-five and strike out the remainder of the section.

(8) Amend Section one hundred and eight - fifty-four by changing the period at the end of the last sentence to a colon and adding the following proviso: Amending Section 108-54.

Provided, that if at any time during any fiscal year it appears to be necessary and feasible, the county may transfer with the approval of the State Board of Allotments and Appeal a portion of the amount raised by the county for aid to dependent children to the county old age assistance fund.

(9) Amend the third paragraph of Section one hundred and eight - fifty-nine by changing the period in line seventeen following the word "forth" to a colon and adding the following proviso: Amending Section 108-59.

Provided further, that within the limitations of the State appropriation the maximum amount per child may be increased not in excess of the amount which may hereafter be matched by the Federal Government.

(10) Amend Section one hundred and eight - sixty-six by adding at the end thereof the following proviso: Amending Section 108-66.

Provided, that in the event any temporary vacancy should exist in the office of county welfare superintendent or in the office of chairman of the county welfare board, the signature of either remaining officer together with that of the county auditor shall be sufficient for the disbursement of such funds.

(11) Amend Section one hundred and eight - sixty-seven as follows: Amending Section 108-67.

(a) Strike out in line nine of the first paragraph the words "of this article" and substitute therefor the words "of the public welfare program."

(b) Strike out the first two sentences of the second paragraph and substitute therefor the following:

After being so determined, an amount not to exceed one half of such costs shall be allocated and paid to the respective counties by the State Board of Allotments and Appeal from the appropriation made by the State for aid to county administration. The balance of said county administrative expenses shall be paid by the respective counties.

SEC. 2. Subsection (b) of Section one hundred and eight - twenty-one and Section one hundred and eight - fifty are hereby repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 224 **CHAPTER 616**

AN ACT TO PROMOTE AND ENCOURAGE THE POULTRY INDUSTRY AND TO REGULATE PUBLIC HATCHERIES, CHICK DEALERS, AND JOBBERS; THE SHIPPING INTO THE STATE OF BABY CHICKS, TURKEY POULTS, AND HATCHING EGGS; AND TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE TO MAKE REGULATIONS AND TO COOPERATE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE.

The General Assembly of North Carolina do enact:

National Poultry Improvement Plan.

SECTION 1. In order to promote the poultry industry of the State, the Department of Agriculture is hereby authorized to cooperate with the United States Department of Agriculture in the operation of the National Poultry Improvement Plan.

Authorizing Board of Agriculture to make rules and regulations.

SEC. 2. The State Board of Agriculture is hereby authorized to make such regulations as may be necessary, after public hearing following due public notice to carry out the provisions of said National Poultry Improvement Plan and to promulgate regulations setting up minimum standards for the operation of public hatcheries and to regulate chick dealers and jobbers and to provide standards and to regulate the shipping into this State of baby chicks, turkey poults, and hatching eggs, and for the control and eradication of contagious and infectious diseases of poultry.

Definitions.

SEC. 3. For the purpose of this Act, a public hatchery shall be defined as any establishment that artificially hatches and sells or offers for sale to the public baby chicks or the young of any domestic fowl under six weeks of age, or hatching eggs, or that does custom hatching. A chick dealer or jobber shall mean any person, firm or corporation that buys baby chicks or turkey poults and sells or offers same for sale. The terms "mixed chicks" or "assorted chicks" shall mean chicks of two or more distinct breeds. The term "crossbred chicks" shall mean chicks produced from eggs from purebred females of a distinct breed mated to a purebred male of distinct breed.

Hatcheries and chick dealers must obtain permit.

SEC. 4. No person, firm or corporation shall operate a public hatchery and no chick dealer or jobber shall operate within this State without first obtaining a permit from the Department of Agriculture to so operate. Said permit may be cancelled for violation of this Act or the regulations promulgated thereunder. Any person who is refused a permit or whose permit is revoked may appeal within thirty (30) days of such refusal or revocation to any court of competent jurisdiction.

Must meet requirements of National Poultry Improvement Plan.

SEC. 5. All baby chicks, turkey poults and hatching eggs sold or offered for sale shall originate in flocks that meet the requirements of the National Poultry Improvement Plan as administered by the North Carolina Department of Agriculture and the regulations issued by authority of this Act for the control of pullorum disease: *Provided*, that nothing in this Act shall require any hatchery to adopt the National Poultry Improvement Plan.

Shipments from out of State.

SEC. 6. All baby chicks, turkey poults and hatching eggs shipped or otherwise brought into this State shall originate in flocks that meet the minimum requirements of pullorum disease control provided for in this Act and the regulations issued by authority of this Act and shall be accompanied by a certificate approved by the official state agency or the livestock sanitary officials of the state of origin, certifying same.

False advertising.

SEC. 7. No public hatchery, chick dealer or jobber shall use false or misleading advertising in the sale of their products.

Notice must be posted.

SEC. 8. All hatcheries, chick dealers and jobbers offering chicks for sale to the public shall post in a conspicuous manner in their place of business a poster furnished by the Department of Agriculture describing the grade of chicks approved by the Department of Agriculture.

Records must be kept.

SEC. 9. Every public hatchery, chick dealer or jobber shall keep such records of operation as the regulations of the Department of Agriculture may require for the proper inspection of said hatchery, dealer or jobber.

Outlining fees.

SEC. 10. For the purpose of carrying out the provisions of this Act and the regulations issued thereunder, the Department of Agriculture is authorized to collect annually from every public hatchery a fee not to exceed ten dollars ($10.00) where the egg capacity is not more than fifty thousand (50,000) eggs; twenty dollars ($20.00) where the egg capacity is fifty thousand and one (50,001) to one hundred thousand (100,000) eggs; and thirty dollars ($30.00) where the egg capacity is over one hundred thousand (100,000). Chick dealers and jobbers shall pay a fee of three dollars ($3.00) annually, said fees to be used for the enforcement of this Act. The minimum fee for any flock tested shall be five dollars ($5.00) for one hundred birds or less and shall apply also to flocks that are dropped due to heavy infection or other causes. The fee for first test shall be four cents (4c) per bird with a charge of two cents (2c) per bird for the second test and one cent (1c) per bird for all subsequent tests, during the same season.

Violation hereof constitutes misdemeanor.

SEC. 11. Any person, firm or corporation who shall wilfully violate any provision of this Act or any rule or regulation duly established by authority of this Act shall be guilty of a misdemeanor.

Appropriation.

SEC. 12. To supplement the funds previously provided for, the sum of forty thousand dollars ($40,000.00) is hereby appropriated from the Agriculture Fund for the year one thousand nine hundred and forty-five - one thousand nine hundred and forty-six and the sum of forty thousand dollars ($40,000.00) is hereby appropriated from the Agriculture Fund for the year one thousand nine hundred forty-six - one thousand nine hundred and forty-seven to carry out the provisions of this Act.

Conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 14. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 15th day of March, 1945.

S. B. 285 CHAPTER 617

AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO GAME LAWS AND HUNTING LICENSE FEES.

The General Assembly of North Carolina do enact:

Amending law relating to game and hunting licenses.

SECTION 1. That Section one hundred and thirteen - ninety-five of the General Statutes of North Carolina be amended by striking out the figures "$15.25" in the first line under the heading "License Fees" at the end of the first paragraph of said section and inserting in lieu thereof the figures "$15.75"; by striking out the figures "$2.10" in the second line under the heading "License Fees" and inserting in lieu thereof the figures "$3.10"; by striking out the figures "$3.10" in the third line under the heading "License Fees" and inserting in lieu thereof the figures "$4.10"; by striking out the words and figures "two dollars ($2.00)" in line ten of the second paragraph of said section of said second paragraph beginning with the words "Said applicant" and inserting in lieu thereof the words and figures "three dollars ($3.00)"; by striking out the words and figures "fifteen dollars ($15.00)" in lines twenty-three and twenty-four and inserting in lieu thereof the words and figures "fifteen dollars and fifty cents ($15.50)"; by striking out the words and figures "three dollars ($3.00)" in line thirty-seven of said second paragraph and inserting in lieu thereof the words and figures "four dollars ($4.00)"; by striking out beginning with the word "*Provided*" after the colon in line forty-one through to the end of the paragraph and by adding the following proviso: *Provided*, that fifty cents (50c) of the fee received from the sale of each resident State hunting license, each nonresident hunting license, and each State resident hunting and fishing license as set forth above shall be set aside as a special fund for the purchase, lease, development, and management of lands and waters in North

Carolina, said lands and waters to be used for the propagation of game birds, game animals and fish, and for public hunting and fishing.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 313 **CHAPTER 618**

AN ACT TO AMEND ARTICLE TWENTY-FOUR, CHAPTER SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ESTABLISHMENT OF MUNICIPAL RECORDER'S COURT AS IT APPLIES TO SUCH COURT IN THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Section seven - one hundred and eighty-six of the General Statutes of North Carolina be amended by adding at the end thereof, the following: Relating to Recorder's Court in Burlington.

That if and when a Municipal Recorder's Court for the City of Burlington is established under the provisions of this article, the judge thereof shall be appointed by the Board of Aldermen of the City of Burlington.

SEC. 2. That Section seven - one hundred and ninety of the General Statutes be amended by adding at the end thereof, the following:

Subsections two and three shall not apply to any municipal recorder's court established in the City of Burlington under the authority of this article and upon finding of probable cause in cases in which the recorder does not have jurisdiction, the defendants shall be bound over to the General County Court of Alamance County.

SEC. 3. That Section seven - one hundred and ninety-two of the General Statutes be, in so far as it relates to a Municipal Recorder's Court in the City of Burlington, be amended by striking out the words, "Superior Court" in line seven and inserting in lieu thereof, "the General County Court."

SEC. 4. Section seven - one hundred and ninety-five of the General Statutes as it applies to a Municipal Recorder's Court of Burlington be amended by striking out the words "Superior Court" in lines three and four and inserting in lieu thereof, "General County Court" and by striking out in line ten, the

words "Superior Court" and inserting in lieu thereof, "General County Court."

SEC. 5. That Section seven - one hundred and ninety-nine of the General Statutes, in so far as it relates to a Municipal Recorder's Court in the City of Burlington, be amended by inserting the word "may" in lieu of the word "shall" in line two and by striking out all of said section after the comma in line fifteen and inserting in lieu thereof, the following:

If a vice recorder is named, he shall be appointed in the same manner as the recorder as provided in this Act.

SEC. 6. That Section seven - two hundred and three of the General Statutes in so far as it relates to a Municipal Court in the City of Burlington, be amended by substituting the word "may" in lieu of the word "shall" in lines one and two.

SEC. 7. Section seven - two hundred and seven of the General Statutes shall not apply to any Recorder's Court in the City of Burlington.

SEC. 8. The provisions of this Act shall only be applicable to a Municipal Recorder's Court in the City of Burlington established under the provisions of this article.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 321 CHAPTER 619

AN ACT AMENDING SECTION ONE HUNDRED AND SIXTY - TWO HUNDRED AND SEVENTY-SEVEN OF THE GENERAL STATUTES AND RELATING TO SURETY BOND OF CITY EMPLOYEES.

The General Assembly of North Carolina do enact:

Relating to bond of city employees.

SECTION 1. That Section one hundred and sixty - two hundred and seventy-seven of the General Statutes of North Carolina shall be the same is hereby amended by changing the period at the end of said Section to a comma and by adding the following: except that such bond of any employee or employees may, in the discretion of the mayor and governing body, be conditioned only upon a true accounting for funds of the city.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 324 **CHAPTER 620**

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-SIX OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, THE SAME BEING THE CHARTER OF THE CITY OF CHARLOTTE WITH REFERENCE TO THE DUTIES OF THE CITY CLERK.

The General Assembly of North Carolina do enact:

Amending Charter of Charlotte.

SECTION 1. That Section thirty-six of Chapter three hundred and sixty-six of Public-Local and Private Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by striking out all of Subsection three of said Section thirty-six and renumbering the remaining subsections of said Section thirty-six accordingly.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 329 **CHAPTER 621**

AN ACT TO LIMIT THE NUMBER OF JUSTICES OF PEACE TO BE ELECTED IN THOMASVILLE TOWNSHIP, IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Limiting justices of peace in Thomasville.

SECTION 1. That at the next election for Justices of the Peace in Thomasville Township, Davidson County, there shall be elected from said township not more than five justices of the peace. Nothing in this section shall be construed to limit or affect in any way the power of the G overnor of North Carolina to appoint Justices of the Peace for Thomasville Township, Davidson County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are here repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 333 **CHAPTER 622**

AN ACT TO DIVIDE NORTH CAROLINA INTO EIGHT EDUCATIONAL DISTRICTS.

WHEREAS, Section eight of Article IX of the Constitution of North Carolina, as amended by vote of the people in the general election of November seventh, one thousand nine hundred and forty-four, requires the General Assembly to divide the State into eight educational districts: *Now, therefore,*

The General Assembly of North Carolina do enact:

Dividing State into 8 educational districts.

SECTION 1. The State of North Carolina is divided into eight educational districts as follows:

FIRST DISTRICT

First District.

Beaufort County, Bertie County, Camden County, Chowan County, Currituck County, Dare County, Gates County, Hertford County, Hyde County, Martin County, Pasquotank County, Perquimans County, Pitt County, Tyrrell County, Washington County.

SECOND DISTRICT

Second District.

Brunswick County, Carteret County, Craven County, Duplin County, Greene County, Jones County, Lenoir County, New Hanover County, Onslow County, Pamlico County, Pender County, Sampson County, Wayne County.

THIRD DISTRICT

Third District.

Durham County, Edgecombe County, Franklin County, Granville County, Halifax County, Nash County, Northampton County, Vance County, Wake County, Warren County, Wilson County, Johnston County.

FOURTH DISTRICT

Fourth District.

Bladen County, Columbus County, Cumberland County, Harnett County, Hoke County, Lee County, Montgomery County, Moore County, Richmond County, Robeson County, Scotland County.

FIFTH DISTRICT

Fifth District.

Alamance County, Caswell County, Chatham County, Davidson County, Forsyth County, Guilford County, Orange County, Person County, Randolph County, Rockingham County, Stokes County.

SIXTH DISTRICT

Sixth District.

Alexander County, Alleghany County, Ash County, Avery County, Burke County, Caldwell County, Catawba County, Davie County, Iredell County, Rowan County, Surry County, Watauga County, Wilkes County, Yadkin County.

SEVENTH DISTRICT

Seventh District.

Anson County, Cabarrus County, Cleveland County, Gaston County, Lincoln County, Mecklenburg County, Stanly County, Union County.

EIGHTH DISTRICT

Eighth District.

Buncombe County, Cherokee County, Clay County, Graham County, Haywood County, Henderson County, Jackson County, Macon County, Madison County, McDowell County, Mitchell County, Polk County, Rutherford County, Swain County, Transylvania County, Yancey County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-five.

Ratified this the 15th day of March, 1945.

S. B. 335 **CHAPTER 623**

AN ACT TO ENABLE THE BOARD OF ALDERMEN OF THE CITY OF CONCORD TO EXTEND THE CORPORATE LIMITS OF SAID CITY UPON PETITION OF A MAJORITY OF RESIDENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Aldermen of the City of Concord, Concord, North Carolina, shall have the power and authority to extend the corporate limits of the said city by ordinance to such points as the said board may deem good and proper, within the boundaries described in Section two hereof; *provided* the said board has first found as a fact, by petition, public hearing or otherwise, that a majority of the land owners owning a majority of the land to be included within the corporate limits desires the extension of said limits.

Relating to corporate limits of Concord.

SEC. 2. Beginning at a point in the old city limits line, said point being one hundred seventy-eight and two tenths feet (178.2) Northeast of the intersection of Todd Street, and Hillandale Road, and runs with a line parallel with the center line of Hillandale Road, but one hundred seventy-eight and two tenths (178.2) N. E. North forty-five degrees fifty-three minutes (45-53) West three thousand two hundred three and four tenths feet (3203.4) to a monument on the North side of the Northern prong of Circle Drive, a street in the Wil-Mar Park Development; thence North thirty-one degrees forty-five minutes (31-45) West two thousand two hundred forty-three and two tenths feet (2243.2) to a monument Northeast of Cabarrus County Hospital, said monument being approximately on the hospital and

New limits.

Cabarrus Country Club line; thence South seventy-two degrees seventeen minutes (72-17) West crossing United States Route twenty-nine (29) a distance of one thousand two hundred sixty-four and nine tenths (1264.9) feet, to a monument, said monument being one hundred feet (100) East of center line of Southern Railway; thence along the right of way of the Southern Railway South five degrees thirty-seven minutes (5-37) East four hundred forty-one and four tenths feet (441.4) to a point on said right of way; thence along said right of way in a Southerly direction four thousand fifty-one and four tenths feet (4051.4) to a monument in right of way line, said monument being on the present city limits line; thence North seventy-two and one half degrees (72½) East six hundred fifty-seven and five tenths feet (657.5) to an iron pipe, said pipe being two hundred forty feet (240) North of Phifer Street on the West edge of Gibson Street; thence with the West edge of Gibson Street to a point in Jones Street; thence with Jones Street North seventy-four degrees (74) East three hundred and five tenths feet (300.5) to a stake in Jones Street where it intersects with Allison Street; thence with Allison Street North sixteen and one half degrees (16½) West one hundred ninety-six feet (196) to a point in Allison Street; thence North fifty-eight and one half degrees (58½) East two thousand five hundred thirty-six feet (2536) to an iron pipe in East edge of old Salisbury Road where it intersects with Cemetery Street; thence along the East edge of the old Salisbury Road South forty-two and one half degrees (42½) East three hundred feet (300) to a point where the old corporate line crosses a line of the Brookwood Development; thence with the line of the said Brookwood Development North sixty-one and one half degrees (61½) East one thousand fifty feet (1050) approximate, to monument, the place of beginning. (See Revised Code of City of Concord, one hundred and ninety-two, Page one hundred and forty-five, for the old line of railroad to a point of beginning.)

Ward Two.

SEC. 3. That the land herein described lying on the East side of North Church Street extended into United States twenty-nine, shall be a part of Ward Two, when the said corporate limits are extended as herein provided.

Ward Five.

SEC. 4. That the land herein described lying on the West side of North Church Street extended into United States twenty-nine, shall be a part of Ward Five, when the said corporate limits are extended as herein provided.

Extending ordinances to new area.

SEC. 5. That all laws and ordinances relating to the City of Concord, as it existed at the time of the extension of the corporate limits, as herein provided, shall apply to an area included within the corporate limits.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 336 **CHAPTER 624**

AN ACT TO PROVIDE A SCHEDULE OF DISCOUNTS ON PROPERTY TAXES FOR CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In lieu of the schedule of discounts provided for in Section one hundred and five - three hundred and forty-five, Paragraph six, on property assessed by the County of Cabarrus, any taxpayer desiring to make a prepayment of his taxes between August first and November first of any year, may do so by making payment to the County Accountant of Cabarrus County, Auditor, Treasurer, or such other officer as the governing body may determine, and he shall be entitled to the following discounts: Providing schedule of discounts on taxes for Cabarrus County.

If paid on or before August first, a deduction of two per cent; if paid during the month of August, a deduction of one and one half per cent; if paid during the month of September, a deduction of one per cent; and if paid during the month of October, a deduction of one half per cent.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 337 **CHAPTER 625**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-THREE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTEEN, GRANTING A NEW CHARTER TO THE TOWN OF RUTHERFORDTON, RELATING TO APPOINTMENT OF LAW ENFORCEMENT OFFICERS, AND SALE OF REAL ESTATE OWNED BY SAID MUNICIPALITY.

The General Assembly of North Carolina do enact:

Amending Charter of Rutherfordton.

SECTION 1. That Section five (Subsection eight) be amended by striking out the period at the end of said Subsection eight of Section five, and inserting a semicolon, and add the following: *provided* said town council shall have full authority to employ a law enforcement officer or officers, designated as policemen, who do not reside within the corporate limits of said town, when deemed advisable or necessary for proper law enforcement of said municipality. Such law enforcement officers shall not serve for a longer period than sixty days, unless they shall in the meantime have become a resident of said municipality.

Authorizing sale of property at private sale.

SEC. 2. That the town council shall have full power at all times to sell, at public or private sale, any real or personal property belonging to said town, other than property in use as town hall, fire department, and other public uses. And any property heretofore sold privately by said town, such sales are hereby fully ratified, confirmed and validated. *Provided,* the provisions of this section shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 338 **CHAPTER 626**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-NINE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATIVE TO THE SHERIFF'S DEPARTMENT OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to Sheriff of Rutherford County.

SECTION 1. That Chapter two hundred and eighty-nine of the Public-Local Laws of one thousand nine hundred and forty-one be, and the same is hereby amended by inserting after the word "appoint" and before the word "five," in line six, Section two

thereof, the following: "not more than," and further amend said section by striking out the words "and to serve" in line seven of Section two. Further amend said Act by inserting after the word "appoint" and before the word "five" in lines twenty-eight and twenty-nine of Section two, the following: "not more than"; it being the purpose and intent of this Act to authorize the Sheriff of Rutherford County to appoint, as he so sees fit, less than five fulltime deputy sheriffs.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 340 CHAPTER 627

AN ACT AUTHORIZING THE HOLDING OF SESSIONS OF RECORDER'S COURT FOR HALIFAX COUNTY AND THE CITY OF ROANOKE RAPIDS FOR TRIAL OF CRIMINAL CASES FROM ROANOKE RAPIDS TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That Section seven - two hundred and eighteen of the General Statutes of North Carolina is hereby amended by adding the following:

On the first Thursday of each and every month the Recorder's Court of Halifax County shall hold its session in the Municipal Building in the City of Roanoke Rapids, for the trial of cases from Roanoke Rapids Township; and such sessions may be continued from day to day for such time as may be necessary to transact the business pending at such sessions. Relating to Recorder's Court of Halifax County and Roanoke Rapids.

SEC. 2. As additional compensation the governing board for the City of Roanoke Rapids may supplement the salaries of the Recorder, Solicitor, and Clerk for the Recorder's Court of Halifax County. Salaries.

SEC. 3. The records of said court held at Roanoke Rapids shall remain in the custody of the Clerk of the Superior Court for Halifax County, ex officio clerk of said recorder's court, and said clerk or his deputy acting for him is empowered to bring such records to Roanoke Rapids as may be required to properly conduct said court at Roanoke Rapids.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 341 CHAPTER 628

AN ACT TO AMEND THE LAW RELATING TO JURY TRIALS IN THE RECORDER'S COURT OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Relating to jury trials in Recorder's Court of Halifax County.

SECTION 1. General Statutes of North Carolina seven - sixty-four is hereby amended by striking the name of Halifax County from the list of counties exempted from the provisions of said Section seven - sixty-four.

SEC. 2. The provisions of Sections seven - two hundred and four, seven - two hundred and twenty-eight, seven - two hundred and forty-nine, seven - two hundred and fifty, seven - two hundred and fifty-one and seven - two hundred and fifty-two of the General Statutes of North Carolina shall not apply to the Recorder's Court of Halifax County.

Transferring certain cases to Superior Court of Halifax County.

SEC. 3. In all trials in the Recorder's Court of Halifax County, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall, if there has been no preliminary examination, hear evidence, and if it shall appear to the recorder that no offense has been committed by any person or that there is no probable cause for charging the prisoner with an offense, he shall discharge such prisoner. If it shall appear that an offense has been committed and that there is probable cause to believe that the defendant is guilty, or if the defendant shall waive preliminary examination, or if the defendant has had a previous preliminary examination and probable cause has been found, it shall be the duty of the recorder, upon demand for a jury by the defendant or the prosecuting attorney representing the State, to transfer said trial to the Superior Court of Halifax County, and the defendant shall execute a new bond in such amount as named by the recorder for his appearance at the next term of the Superior Court of Halifax County.

Applies only to Halifax County.

SEC. 4. That this Act shall apply only to Halifax County.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 351 **CHAPTER 629**

AN ACT TO REGULATE THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after July first, one thousand nine hundred and forty-five the members of the Board of County Commissioners of Lee County, except the chairman thereof, shall receive as compensation for their services while attending meetings, the sum of seven dollars and fifty cents ($7.50) per day and the chairman of said board shall receive as compensation for his services, while attending meetings, the sum of ten dollars ($10.00) per day. Fixing compensation of Commissioners of Lee County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five. Effective July 1, 1945.

Ratified this the 15th day of March, 1945.

S. B. 361 **CHAPTER 630**

AN ACT FIXING THE TERMS OF THE SUPERIOR COURT FOR FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section seven - seventy of the General Statutes of North Carolina is hereby amended by striking out the fourth paragraph under the title, Seventh District, and fixing the terms of the Superior Court of Franklin County, and inserting in lieu thereof, the following: Fixing terms of court in Franklin County.

Franklin. The sixth Monday before the first Monday in March for two weeks for the trial of civil cases only; the third Monday before the first Monday in March one week for the trial of criminal cases; sixth Monday after the first Monday in March one week for the trial of criminal cases; eighth Monday after the first Monday in March two weeks for the trial of civil cases only; second Monday after the first Monday in September two weeks for the trial of civil cases only; fifth Monday after the first Monday in September one week for the trial of criminal cases; twelfth Monday after the first Monday in September two weeks for the trial of civil cases only.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 371 CHAPTER 631

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CATAWBA COUNTY TO EMPLOY A SERVICE OFFICER TO AID ACTIVE AND DISCHARGED MEMBERS OF THE UNITED STATES ARMED SERVICES AND THE MEMBERS OF THEIR FAMILIES IN PRESENTING CLAIMS FOR BENEFITS.

The General Assembly of North Carolina do enact:

Authorizing Catawba County to employ county veterans service officer.

SECTION 1. The Board of County Commissioners of Catawba County is hereby authorized and empowered to employ a county veterans service officer and pay him such salary as the board may consider just and fair and to furnish him the necessary office space, assistants, supplies, and equipment to enable him to perform efficiently the duties of his employment. In selecting said service officer and other personnel, preference shall be given to applicants who are veterans of World Wars I and II.

County Commissioners to make regulations.

SEC. 2. The County Commissioners of Catawba County are hereby authorized and empowered to make and promulgate all rules and regulations governing the duties of said service officer and assistants and the operation of the office herein provided for as they may deem necessary to cooperate with the State and Federal governments in all matters relating to benefits for active and discharged members of the United States Armed Services and their families.

Duties of County Service Officer.

SEC. 3. It shall be the duty of the Catawba County Veterans Service Officer to:

(1) Acquaint himself or herself with the laws, Federal, State and local, enacted for the benefit of members of the armed forces, their families and dependents.

(2) Collect data and information as to facilities and services available to such persons with regard to education, health and medical care, rehabilitation, housing, employment and all other matters of a similar nature.

(3) Assist veterans, their families and dependents in the presentation of proof and establishment of claims for any benefits they may have under Federal, State or local laws.

(4) Perform such additional duties as the county commissioners may direct.

SEC. 4. The Catawba County Veterans Service Officer shall have a seal of office and shall be authorized to take acknowledgments, administer oaths, affirmations, execute depositions and affidavits, and perform other notarial acts necessary to carry out the provisions of this Act. Notarial authority.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 372 CHAPTER 632

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY TO EMPLOY A SERVICE OFFICER TO AID ACTIVE AND DISCHARGED MEMBERS OF THE UNITED STATES ARMED SERVICES AND THE MEMBERS OF THEIR FAMILIES IN PRESENTING CLAIMS FOR BNEFITS.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Lincoln County is hereby authorized and empowered to employ a county veterans service officer and pay him such salary as the board may consider just and fair and to furnish him the necessary office space, assistants, supplies, and equipment to enable him to perform efficiently the duties of his employment. In selecting said service officer and other personnel, preference shall be given to applicants who are veterans of World Wars I and II. Authorizing Lincoln County to employ county veterans service officer.

SEC. 2. The County Commissioners of Lincoln County are hereby authorized and empowered to make and promulgate all rules and regulations governing the duties of said service officer and assistants and the operation of the office herein provided for as they may deem necessary to cooperate with the State and Federal governments in all matters relating to benefits for active and discharged members of the United States Armed Services and their families. Commissioners to make regulations.

SEC. 3. It shall be the duty of the Lincoln County Veterans Service Officer to: Duties of Service Officer.

(1) Acquaint himself or herself with the laws, Federal, State and local, enacted for the benefit of members of the armed forces, their families and dependents.

(2) Collect data and information as to facilities and services available to such persons with regard to education, health and

medical care, rehabilitation, housing, employment and all other matters of a similar nature.

(3) Assist veterans, their families and dependents in the presentation of proof and establishment of claims for any benefits they may have under Federal, State or local laws.

(4) Perform such additional duties as the county commissioners may direct.

Notarial authority.

SEC. 4. The Lincoln County Veterans Service Officer shall have a seal of office and shall be authorized to take acknowledgments, administer oaths, affirmations, execute depositions and affidavits, and perform other notarial acts necessary to carry out the provisions of this Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 398 CHAPTER 633

AN ACT TO PROTECT AND CONSERVE GAME PRODUCTS AND GAME ANIMALS IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Repealing a 1937 Act regarding game in Wayne County.

SECTION 1. That Chapter three hundred and sixteen of the Public-Local and Private Laws of North Carolina for one thousand nine hundred and thirty-seven be and is hereby repealed in its entirety.

SEC. 2. That any other Acts specifically affecting fox hunting in Wayne County are hereby repealed.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 3 **CHAPTER 634**

AN ACT TO AMEND SECTIONS, ONE, SEVEN, ELEVEN, THIRTEEN, NINETEEN AND TWENTY-SIX OF ARTICLE I OF THE CONSTITUTION OF NORTH CAROLINA, AND TO REWRITE SAID SECTIONS CHANGING THE WORD "MEN" TO "PERSONS" THEREIN; TO PROVIDE AGAINST EXCLUSION OF WOMEN FROM JURY SERVICE ON ACCOUNT OF SEX, AND TO AMEND SECTION ONE OF ARTICLE VI THEREOF BY REWRITING THE SAME OMITTING THE WORD "MALE," LIMITING THE RIGHT TO VOTE IN THIS STATE.

The General Assembly of North Carolina do enact:

Proposing amendments to Article I of Constitution of North Carolina.

SECTION 1. That Sections one, seven, eleven, thirteen, nineteen and twenty-six of Article I of the Constitution of North Carolina be rewritten so as to read as follows:

Substituting "persons" for "men."

SECTION 1. The equality and rights of persons. That we hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Substituting "persons" for "men."

SEC. 7. Exclusive emoluments, et cetera. No person or set of persons are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

In criminal prosecutions.

SEC. 11. In criminal prosecutions. In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Substituting "persons" for "men."

SEC. 13. Right of jury. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful persons in open court. The Legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal.

Qualifying women to serve on juries.

SEC. 19. Controversies at law respecting property. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. No person shall be excluded from jury service on account of sex.

Religious liberty.

SEC. 26. Religious liberty. All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should,

in any case whatever, control or interfere with the rights of conscience.

SEC. 2. That Section one of Article VI of the Constitution of North Carolina be amended to read as follows:

Right to vote.

SECTION 1. Who may vote. Every person born in the United States, and every person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

Providing for vote on these amendments at next general election.

SEC. 3. That these amendments shall be submitted to the qualified voters in the State at the next general election, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

Form of ballot.

SEC. 4. That the electors favoring the adoption of these amendments shall vote a ballot on which shall be written or printed the words "For Amendments Making the Constitution Equally Applicable to Men and Women," and those opposed shall vote a ballot on which shall be written or printed the words "Against Amendments Making the Constitution Equally Applicable to Men and Women."

Effectuating results of election.

SEC. 5. That the election upon these amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and, if a majority of the votes cast be in favor of the amendments, it shall be the duty of the Governor of the State to certify the amendments under the seal of the State to the Secretary of State, who shall enroll the same amendments so certified among the permanent records of his office, and the same shall be in force and every part thereof, from and after the date of such certification.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 65 CHAPTER 635

AN ACT TO REVISE CERTAIN SECTIONS OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. The General Statutes of North Carolina is hereby amended as follows:

(1) Section one - five hundred and eighty-nine is hereby amended by striking out the word "demanded" in line ten and inserting in lieu thereof the words "requested of the addressee." Amending Section 1 - 589.

(2) Amend Section two - twenty-six by changing the words "chapter fifty-four" in line eight of the next to the last paragraph thereof, to read "chapter forty-five." Amending Section 2 - 26.

(3) Section one - five hundred and ninety-six is hereby amended as follows: Amending Section 1 - 596.

(a) Strike out the word "of" in line six and insert in lieu thereof the word, "or."

(b) Strike out the last sentence of the first paragraph and insert in lieu thereof the following: The foregoing provisions of this section are subject to the further limitations prescribed by Section one - ninety-nine with respect to the cost of service by publication.

(4) Section three - one is hereby amended by inserting the words, "or clerk of a court of record" between the word "peace" and the word "in" in the twelfth line. Section 3 - 1.

(5) Section six - five is hereby amended as follows: Section 6 - 5.

(a) Insert the words "unless a different jury tax is prescribed elsewhere" at the end of the first sentence after the word, "dollars."

(b) Insert the words, "for which different jury taxes are not prescribed by law," to immediately follow the word, "record," in the second sentence.

(6) Section six - twenty-two is hereby amended by striking out the period at the end of Subsection one thereof and adding the words, "where the petitioner alone is benefited." Section 6 - 22.

(7) Section seven - one hundred and ninety-four is hereby amended as follows: Section 7 - 194.

(a) Strike out the words, "and assign him to work on the public roads of the county as provided by law," in the fifth, sixth and seventh lines, and insert in lieu thereof the words, "to be assigned to work under the State Highway and Public Works Commission."

(b) Strike out the last sentence.

(8) Section seven - two hundred and seven is hereby amended as follows: Section 7 - 207.

(a) Strike out the words, "roads or other public work in," in line three and insert in lieu thereof the words, "works of."

(b) Strike out the words, "the public roads or other," in line seven and insert in lieu thereof the word "such."

(c) Strike out the words, "as aforesaid," in line eight.

Section 7 - 229. (9) Section seven - two hundred and twenty-nine is hereby amended by striking out the first fourteen lines of said section down to the proviso and inserting in lieu thereof the following:

Whenever any person is convicted or pleads guilty of any offense of which the court has final jurisdiction, the recorder may sentence him to the common jail of the county in which the court is held, and he may assign him to work under the State Highway and Public Works Commission.

Section 8 - 56. (10) Section eight - fifty-six is hereby amended by striking out the words "except to prove the fact of marriage" and the parentheses enclosing these words in lines sixteen and seventeen, and by changing the period in line twenty-two to a colon and inserting immediately thereafter the words, "*Provided, however,* that in all such actions and proceedings, the husband or wife shall be competent to prove, and may be required to prove, the fact of marriage."

Section 14 - 75. (11) Section fourteen - seventy-five is hereby amended as follows:

(a) Strike out the word "felony" in line seventeen and insert in lieu thereof the word "crime."

(b) Strike out the word "any" at the beginning of line twenty-one and insert in lieu thereof the words "the same."

(c) Insert the word "such" before the word "value" in the last line.

Section 14 - 101. (12) Section fourteen - one hundred and one is hereby amended as follows:

(a) Strike out the words "or property" in the title line.

(b) Strike out that part of the section beginning with the words "or obtain" in the sixth line and going through the word "whatsoever" in the eighth and ninth lines.

Section 14 - 199. (13) Section fourteen - one hundred and ninety-nine is hereby amended by changing the comma after the word "misdemeanor" in lines four and five to a period, and striking out the remainder of the section.

Section 14 - 358. (14) Section fourteen - three hundred and fifty-eight is hereby amended as follows:

(a) Add the words "with intent to defraud the landlord" to immediately follow the word "advances" in the fifth and sixth lines.

(b) Add the words "with intent to defraud the tenant" to immediately follow the word "agreement" in the tenth line.

(c) Change the order in which the names of various counties appear in the last sentence of the section so that they will appear in alphabetical order.

(15) Section fourteen - three hundred and fifty-nine is hereby amended as follows: Section 14 - 359.

(a) Add the words, "with intent to defraud the landlord" to immediately follow the word "advances" in the sixth and seventh lines.

(b) Add the words "with intend to defraud the tenant" to immediately follow the word "agreement" in the eleventh line.

(c) Add the words "with intent to defraiud the landlord" to immediately follow the word "land" in the sixteenth line.

(d) Change the order in which the names of the various counties appear in the last sentence of the section so that they will appear in alphabetical order.

(16) Section fourteen - three hundred and sixty-four is hereby repealed. Section 14 - 364.

(17) Section fourteen - three hundred and eighty-seven is hereby repealed. Section 14 - 387.

(18) Section eighteen - six is hereby amended as follows: Section 18 - 6.

(a) Strike out the words "The court, upon the conviction of the person so arrested, shall order the liquor destroyed, and," in lines twenty-three, twenty-four and twenty-five, and insert in lieu thereof the following:

All liquor seized under this section shall be held and shall upon the acquittal of the person so charged be returned to the established owner, and shall within ten days from conviction or default of appearance of such person be destroyed: *Provided* that any taxpaid liquor so seized shall within ten days be turned over to the board of county commissioners, which shall within ninety days from the receipt thereof turn it over to hospitals for medicinal purposes, or sell it to legalized alcoholic beverage control stores within the State of North Carolina, the proceeds of such sale being placed in the school fund of the county in which such seizure was made, or destroy it.

(b) Capitalize the word "unless" in line twenty-six.

(c) Insert the words "the Court" to follow the word "claim" in line thirty.

(19) Section eighteen - ninety-seven is hereby amended by striking out the word "not" in line eight. Section 18 - 97.

Section 20 - 28. (20) Section twenty - twenty-eight is hereby amended by striking out the word "may" in line six and inserting in lieu thereof the word "shall."

Section 20 - 111. (21) Subsection (d) of Section twenty - one hundred and eleven is hereby amended by placing a comma after the word "certificate" in the second line.

Section 20 - 200. (22) Section twenty - two hundred is hereby amended by striking out the last paragraph thereto.

Section 20 - 220. (23) Sections twenty - two hundred and twenty through twenty - two hundred and twenty-three are hereby repealed.

Section 28 - 47. (24) Section twenty-eight - forty-seven is hereby amended by changing the word "at" in line six to read "on."

Section 28 - 77. (25) Section twenty-eight - seventy-seven is hereby amended by inserting the word "distributee" between the word "creditor" and the word "or" in the second line, and by inserting a comma after the word "creditor."

Section 39 - 23. (26) Section thirty-nine - twenty-three is hereby amended as follows:

(a) Strike out the words, "prima facie evidence of fraud, and" in lines five and six.

(b) Add a new sentence at the end of the first sentence in line thirteen to read as follows:

Such sale, even though the above requirements as to inventory and notice are fully complied with, renders the transaction prima facie fraudulent, and open to attack on such grounds by creditors of the seller.

Section 41 - 2. (27) Section forty-one - two is hereby amended as follows:

(a) Strike out the words, "or assigns" in line six.

(b) Insert the word "and" between the word "executors" and the word "administrators" in line nineteen, and strike out the words, "and assigns" in lines nineteen and twenty.

Section 50 - 4. (28) Section fifty - four is hereby amended by inserting the word "second" before the word "proviso" in the last line.

Section 52 - 22 through 52 - 25. (29) Sections fifty-two - twenty-two through fifty-two - twenty-five are hereby repealed.

Section 53 - 69. (30) Section fifty-three - sixty-nine is hereby repealed.

Section 54 - 27. (31) Section fifty-four - twenty-seven is hereby amended by striking out the last sentence and inserting in lieu thereof the following:

The Commissioner of Insurance shall collect a fee of five dollars from each association filing such statement, and the fees shall be paid into the State treasury to be credited to the general fund.

(32) Section fifty-four - one hundred and twelve is hereby amended by changing the word "hereinafter" in line two to read "hereafter"; and by changing the word "for" in the second line to read "or." Section 54 - 112.

(33) Section fifty-five - two is hereby amended by striking out the words "except corporations created for charitable, educational or reformatory purposes that are to be and remain under the patronage and control of the State" within the parentheses in lines seven, eight, nine and ten, and inserting in lieu thereof the following: except those corporations which are to be and remain under the patronage and control of the State, and which are created by the State for charitable, educational and reformatory purposes. Section 55 - 2.

(34) Section fifty-five - forty-four is hereby amended by placing a comma after the word "mortgages" in lines one and two and inserting the following words immediately thereafter: deeds of trust or other conveyances upon condition. Section 55 - 44.

(35) Section fifty-five - fifty-six is hereby amended by striking out the word "persident" in the second line, and inserting in lieu thereof the word "officers," and by rewriting the last two lines to read as follows: thereby the officers, directors, managers, and stockholders who were concerned in the fraud. Section 55 - 56.

(36) Section fifty-five - seventy-seven is hereby amended by changing the third "or" in line two to read "of." Section 55 - 77.

(37) Section fifty-five - one hundred and ten is hereby amended as follows: Section 55 - 110.

(a) Change the semicolon in line seven to a period and strike out the remainder of the sentence.

(b) Insert, to immediately follow the first sentence, a new sentence to read as follows:

No share of stock may be voted which has been transferred on the books of the corporation within twenty days of an election.

(38) Section fifty-five - one hundred and forty-nine is hereby amended by striking out the words "every civil term" in line fourteen and inserting in lieu thereof the words "such times as the Court may direct." Section 55 - 149.

Section 55 - 158. (39) Subsection four of Section fifty-five - one hundred and fifty-eight is hereby amended by inserting after the word "stock," in the parentheses in line four, the words, "and those extending or renewing corporate existence."

Section 63 - 31. (40) Section sixty-three - thirty-one is hereby amended by striking out all of Subsection six thereto.

Section 105 - 90. (41) Section one hundred and five - ninety is hereby amended by inserting the words "the business of" between the word "in" and the word "soliciting" in the second line.

Section 105 - 391. (42) Section one hundred and five - three hundred and ninety-one is hereby amended by striking out the title of Subsection (e) and inserting in lieu thereof the words "Parties; Summons," and by striking out the proviso at the end of the first paragraph of Subsection (e) and inserting in lieu thereof the words, "*provided*, that service by publication may be begun at any time within two years after the issuance of the original summons and that alias and pluries summonses may be issued as provided by Section one - ninety-five."

Section 105 - 405. (43) Section one hundred and five - four hundred and five is hereby amended by striking out the words, "April first and midnight of June thirtieth" in line twelve and inserting in lieu thereof the words, "December thirty-first and midnight of March thirty-first."

Section 113 - 59. (44) Section one hundred and thirteen - fifty-nine is hereby amended as follows:

(a) Strike out the words "in their discretion" in line three, together with the commas next preceding and next following those words.

(b) Strike out all that part of the section beginning with line eight and insert in lieu thereof the words, "their control such amount as is provided in Section one hundred and thirteen - fifty-four."

Section 113 - 109. (45) Section one hundred and thirteen - one hundred and nine is hereby amended by striking out the second sentence and inserting in lieu thereof the following:

And in all cases of conviction under this section, the court in which such conviction is had shall revoke any hunting license then held by the person so convicted, and the court shall require the surrender of said license, which shall be forwarded together with the record of such conviction to the board.

Section 164 - 14. (46) Section one hundred and sixty-four - fourteen (d) is hereby amended as follows:

(a) Strike out the words "by appointment of the governor" wherever they appear therein and insert in lieu thereof the words "by appointment by the Governor."

(b) Strike out the words "of office" in the second sentence thereof.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 73 CHAPTER 636

AN ACT TO REIMBURSE REVEREND J. ROBERT PHIPPS OF JONES COUNTY FOR DAMAGES TO AUTOMOBILE BY COLLISION WITH SCHOOL BUS FEBRUARY FIFTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR.

WHEREAS, on the fifteenth day of February, one thousand nine hundred and forty-four, a collision occurred between a school bus belonging to the State Board of Education and the automobile owned and operated by Reverend J. Robert Phipps, of Jones County, North Carolina; and

WHEREAS, it is contended that said collision occurred by the school bus entering State Highway Number twelve, leading from Pollocksville to Kinston, off of a dirt road without stopping and that said collision was caused by the negligent operation of the school bus by said driver; and

WHEREAS, it appears that Reverend J. Robert Phipps has suffered damages to his automobile in the sum of forty-five dollars ($45.00); and

WHEREAS, the said Reverend J. Robert Phipps is not authorized by law to cover his loss by legal action against the State Board of Education or the State of North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of Reverend J. Robert Phipps above referred to and upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus and without contributory negligence on the part of the driver of said automobile, the State Board of Education is authorized to pay to the said J. Robert Phipps, a sum not exceeding forty-five dollars ($45.00) to reimburse him for the damages sustained. Payment of damages to J. Robert Phipps.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 153 CHAPTER 637

AN ACT TO AUTHORIZE THE REVENUE COMMISSIONER TO REFUND THREE HUNDRED DOLLARS AND NINETY CENTS ($300.90) TAX PAID ON GASOLINE USED IN THE THINNING OF FINISHING MATERIALS.

WHEREAS, Kent-Coffey Manufacturing Company, of Caldwell County, North Carolina, during the quarter ending September thirtieth, one thousand nine hundred and forty-four, paid taxes for gasoline used in thinning of finishing materials which tax the said company would have been legally entitled to have refunded if a claim for same had been filed by October fifteenth, one thousand nine hundred and forty-four; and

WHEREAS, a claim for said gasoline tax refund was not prepared and filed until after said fifteenth day of October, one thousand nine hundred and forty-four, for the reason that the officer of said corporation handling the same was unavoidably called out of the State and was not present at the time when said claim should have been filed: *Now, therefore,*

The General Assembly of North Carolina do enact:

Authorizing Commissioner of Revenue to refund certain taxes to Kent-Coffey Mfg. Company.

SECTION 1. The Commissioner of Revenue is hereby authorized and directed to refund to the Kent-Coffey Manufacturing Company, of Caldwell County, North Carolina, the sum of two hundred ninety-six dollars and ninety cents ($296.90), as evidenced by application for refund filed November sixteenth, one thousand nine hundred and forty-four; the said sum being the amount of the gasoline tax paid for gasoline used in the thinning of finishing materials which the said corporation would have been entitled to receive as a refund had said claim been filed by October fifteenth, one thousand nine hundred and forty-four.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 270 **CHAPTER 638**

AN ACT RELATING TO THE TERMS OF OFFICE OF THE MEMBERS AND THE MEETINGS OF THE BOARD OF CONSERVATION AND DEVELOPMENT.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and thirteen - five of the General Statutes of North Carolina is hereby repealed and rewritten as follows:

Rewriting Section 113 - 5 relating to appointment and term of office of Board of Conservation and Development.

113-5. Appointment and terms of office of board. On May first, one thousand nine hundred and forty-five, the Governor shall appoint fifteen (15) persons to be members of the Board of Conservation and Development, five of whom shall serve for a term of office of two years and until their successors are appointed and qualified. Upon the expiration of their term of office, their successors shall be named for a term of six years and until their successors are appointed and qualified. Five of said persons shall be named for a term of four years and until their successors are appointed and qualified. At the end of their term of office, their successors shall be named for a term of six years and until their successors are appointed and qualified. Five of said persons shall be named for a term of six years and until their successors are appointed and qualified. At the end of their term of office, their successors shall be named for a term of six years and until their successors are appointed and qualified. Any vacancy occurring in the membership of said board because of death, resignation, or otehrwise shall be filled by the Governor for the unexpired term of such member. In making the appointments, the Governor shall take into consideration the functions and activities of the board and in selecting the members shall give as nearly as possible, proportionate representation to each and all of such functions and activities of the department.

SEC. 2. Section one hundred and thirteen - six of the General Statutes is hereby repealed and rewritten as follows:

Rewriting Section 113 - 6 relating to meetings of Board.

113-6. Meetings of the board. The said board shall meet at least four times each year; one of said meetings to be held in Raleigh during the month of January and one in July at Morehead City, and the other two meetings to be held at a date and place to be fixed by the board, and it may hold such other meetings as may be deemed necessary by the board for the proper conduct of the business of the department.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 312 **CHAPTER 639**

AN ACT TO REGULATE THE PRACTICE OF DENTAL HYGIENE IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Definitions.

SECTION 1. Definitions. (a) "Dental Hygiene" as used in this Act shall mean the treatment of human teeth by removing therefrom calcareous deposits and by removing accumulated accretion from directly beneath the free margin of the gums and by polishiing the exposed surface of the teeth, *provided* that nothing in this Act shall be construed as affecting the practice of medicine or the practice of dentistry as provided by law, nor so construed as to prevent the performance of the acts herein referred to in colleges or universities under the supervision of instructors; (b) "Dental Hygienist" as used in this Act shall mean any person who practices dental hygiene; (c) "License" shall mean a certificate issued to any applicant upon completion of requirements for admission to practice dental hygiene; (d) "Renewal Certificate" shall mean the annual certificate of renewal of license to continue practice of dental hygiene in the State of North Carolina; (e) "Board" shall mean "The North Carolina State Board of Dental Examiners" created by Chapter one hundred thirty-nine, Public Laws of one thousand eight hundred and seventy-nine, and Chapter one hundred and seventy-eight, Public Laws of one thousand nine hundred and fifteen as continued in existence by Chapter sixty-six, Public Laws of one thousand nine hundred and thirty-five.

North Carolina State Board of Dental Examiners.

Administration of this Act.

SEC. 2. Administration. The board is hereby vested with the authority and is charged with the duty of administering the provisions of this Act.

Powers and Duties of Board.

SEC. 3. Powers and Duties of Board. The board shall have authority, in the administration of this Act, to fix the time of examinations for the granting of licenses to dental hygienists; form of application to be filed; the type of examination to be given, whether written or oral or a combination of both, and to make such rules and regulations as may be necessary and reasonable to carry out the provisions of this Act.

The board shall keep on file in its office at all times a complete record of the names, addresses, license numbers and renewal certificate numbers of all persons entitled to practice dental hygiene in this State.

Eligibility for practice.

SEC. 4. Eligibility. Any person of good moral character over nineteen (19) years of age who is a citizen of any state of the United States or of the United States of America, a graduate of an accredited high school who has successfully completed training in a school of dental hygiene approved by the board, shall be eligible to take an examination for a license to practice dental hygiene in the State of North Carolina.

SEC. 5. Examinations and Subjects. Any person desiring to obtain a license to practice dental hygiene after having complied with the rules and regulations of the board under its authority to determine eligibility, shall be entitled to an examination by the board upon such subjects as the board may deem necessary, which examination may be written or oral or a combination of both, as in the opinion of the board will be practical or necessary to test the qualifications of the applicant. Examination of applicants.

As soon as possible after the examination has been given, the board under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person successfully meeting the qualifications a license which shall entitle the person to practice dental hygiene in the State of North Carolina, subject to the requirements hereinafter provided for annual renewal certificate.

SEC. 6. Renewal Certificates. On or before the first of January next following the obtaining of a license to practice dental hygiene, the holder of such license shall obtain from the board a renewal certificate, which renewal certificate shall authorize the holder of a license certificate to continue the practice of dental hygiene in the State of North Carolina for the current calendar year and on or before each January first thereafter, such holder of a license certificate shall obtain from the board a renewal certificate, which renewal certificate shall authorize the practice by such person of dental hygiene for the year for which the renewal certificate is issued. Renewal certificates.

SEC. 7. Renewal of License. Any person who has obtained from the board a license certificate to practice dental hygiene in the State of North Carolina and who shall fail to obtain a renewal certificate for any year, shall before resuming the practice of dental hygiene make application to the board under such rules as it may prescribe for the renewal of the license to practice dental hygiene and upon such application being made the board shall determine that such applicant possess the qualifications prescribed for the granting of a license to practice dental hygiene and that the applicant continues to possess a good moral character and is not otherwise disqualified to practice dental hygiene in the State of North Carolina, and thereupon issue a renewal certificate for the practice of dental hygiene for the calendar year in which the renewal certificate is issued, and thereafter such person shall have the right to make application annually for the renewal certificate as if there had been no failure to obtain for one year a renewal certificate. Renewal of License.

SEC. 8. Revocation of License or Renewal Certificate. The board may revoke or suspend the license or renewal certificate of any person upon proof satisfactory to said board: Revocation of Certificate and License.

(a) That license or registration was procured through fraud or misrepresentation.

(b) That the holder thereof has been convicted of an offense involving moral turpitude.

(c) That the holder thereof is guilty of chronic or periodic inebriety or addiction to habit forming drugs.

(d) That the holder thereof is guilty of advertising professional superiority or the performance of professional service in a superior manner; advertising prices for professional services; advertising by means of large display, glaring light signs or containing as a part thereof representation of a tooth, teeth or any other portion of the human head; employing or making use of solicitors or free publicity agents directly or indirectly; advertising any free dental work or free examination; advertising to guarantee any service.

(e) That such holder is guilty of hiring, supervising, permitting or aiding unlicensed persons to practice dental hygiene.

(f) That such holder is guilty of conduct which disqualifies him to practice dental hygiene with safety to the public.

(g) That such person practices dental hygiene in any place or establishment not authorized by this Act.

(h) That such person is guilty of unprofessional conduct.

The following acts on the part of a licensed dental hygienist are hereby declared to constitute unprofessional conduct: (1) Practicing while his or her license is suspended, (2) practicing without a renewal certificate, (3) wilfully deceiving or attempting to deceive the board or its agents with reference to any matter under investigation by the board, (4) practicing dental hygiene under a false or assumed name or any name except the full name which was used in making application and in the license granted by the board or under her married name, established to the satisfaction of the board, (5) violating this Act or the provisions of Chapter sixty-six, Public Laws of one thousand nine hundred and thirty-five, or aiding any person to violate this Act or said Chapter sixty-six, Public Laws of one thousand nine hundred and thirty-five, or violating or aiding any person to knowingly violate the Dental Practice Act or Dental Hygiene Act of any state or territory, and (6) practicing in the employment of or in association with any person who is practicing in an unlawful or unprofessional manner.

The foregoing specifications of acts constituting unprofessional conduct shall not be construed as a complete definition of unprofessional conduct nor as authorizing or permitting the performance of other or similar acts not denounced or as limiting

or restricting the said board from holding that other or similar acts also constitute unprofessional conduct.

Renewing Certificate.

SEC. 9. Procedure for Renewal of Certificate. The procedure for the renewal of a certificate by the board shall be the same in form and manner as prescribed in Section eight, Chapter sixty-six, Public Laws of one thousand nine hundred and thirty-five.

Discipline of Dental Hygienists.

SEC. 10. Procedure for Discipline of Dental Hygienist. The procedure for the revocation of a license or for other discipline of a holder of a certificate under this Act shall be the same in form and manner as prescribed in Section fourteen, Chapter sixty-six, Public Laws of one thousand nine hundred and thirty-five.

Fees charged by Board.

SEC. 11. Fees and Disposition of Fees. The fees which shall be charged by the board for the performance of the duties imposed upon it by this Act shall be as follows: (1) Examination fee, twenty dollars ($20.00). (2) Issuance of annual renewal certificate, two dollars ($2.00). (3) Restoration of license, twenty dollars ($20.00).

All fees shall be payable in advance to the board and shall be disposed of by the board in the discharge of its duties under this Act, with any surplus to be disposed of as provided in Chapter sixty-six, Public Laws of one thousand nine hundred and thirty-five.

Practice of dental hygiene.

SEC. 12. Practice of Dental Hygiene. The holder of a license certificate for the year in which the same is issued, or of a renewal certificate for the current year, shall have the right to practice dental hygiene in this State in the office of any duly licensed dentist; in a clinic or in clinics in the public schools of the State of North Carolina, as an employee of the State Board of Health; in a clinic or in clinics in a State institution as an employee of the institution; in a clinic in any industrial establishment as an employee of such establishment where services are rendered only to bona fide employees of the industrial establishments; or in a clinic established by a hospital, as an employee of the hospital, where service is rendered only to patients of such hospital. No dentist in private practice shall employ more than one dental hygienist at one and the same time. In a clinic the necessary number of dental hygienists may be employed, but no clinic shall be operated or maintained except under the supervision and direction of a licensed dentist.

Violation of this Act constitutes misdemeanor.

SEC. 13. Penalties. Any person who shall violate, or aid or abet another in violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court.

SEC. 14. Repeal of Mouth Hygiene Act. Chapter three hundred and four, Public Laws of one thousand nine hundred and twenty-nine, is hereby repealed.

Conflicting laws repealed.

SEC. 15. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 16. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 346 **CHAPTER 640**

AN ACT TO REIMBURSE E. F. LANDERS OF FORSYTH COUNTY FOR DAMAGES CAUSED TO HIS CAR AS THE RESULT OF A COLLISION WITH SCHOOL BUS.

WHEREAS, it is contended on or about November second, one thousand nine hundred and forty-four, the automobile of Mr. E. F. Landers of Vienna Township, Forsyth County, was struck by a school bus operated by Charles Stoltz; and

WHEREAS, it is contended that the cause of said collision was the negligent operation of the school bus by Charles Stoltz; and

WHEREAS, Mr. Landers is a veteran of World War I in which he was partially disabled; and

WHEREAS, the only occupation in which Mr. Landers is physically able to engage is the sale of products, in which occupation his car is essential: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to E. F. Landers.

SECTION 1. That the State Board of Education is hereby authorized and empowered to investigate the claim of the said E. F. Landers for damages caused by the collision between his car and the school bus. When satisfactory evidence is produced that the damage to the car and the merchandise therein was caused through the negligent operation of said school bus and without contributory negligence on the part of the driver of said car, the said Board of Education is authorized and empowered to pay the damages sustained by E. F. Landers not to exceed five hundred ninety-one dollars and twenty-eight cents ($591.28).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 350 **CHAPTER 641**

AN ACT TO REQUIRE THE ENRICHMENT OF FLOUR, BREAD, DEGERMINATED MEAL AND DEGERMINATED GRITS BY ADDING CERTAIN NUTRITITIONAL INGREDIENTS WHICH, NORMAL TO GRAIN AND VITAL TO HEALTH, ARE DEPLETED IN THESE FOODS AS A RESULT OF REFINING AND PROCESSING; AND TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF.

The General Assembly of North Carolina do enact:

North Carolina Flour, Bread, and Corn Meal Enrichment Act.

SECTION 1. That this Act may be cited as: "The North Carolina Flour, Bread, and Corn Meal Enrichment Act."

Definitions.

SEC. 2. That for the purpose of this Act—

(1) "Commissioner" means Commissioner of Agriculture; "Board" means the Board of Agriculture.

(2) "Person" includes individual, partnership, corporation, and association.

Flour.

(3) "Flour" (white flour) means the fine-grained product obtained from the milling of wheat, with or without leavening, bleaching, or other agents for similar purposes. The adjectives "whole wheat" means the variety with no part of the wheat berry removed; "white" means the bolted or refined type with parts of the wheat berry removed; but the term "flour" shall not include flours such as specialty cake, pancake and pastry flours which are not used for bread, roll, bun or biscuit making.

White bread.

(4) "White bread" means bread made of "white flour," also rolls and biscuits of the bread-dough type; but shall not include the extensively sweetened, iced or cake type of product.

Degerminated.

(5) "Degerminated" applied to corn meal or grits means said products with more than ten per cent (10%) of the germ removed.

Enriched.

(6) "Enriched" means restored or brought up to content of vitamins and minerals as prescribed in this Act.

(7) "North Carolina Food, Drug and Cosmetic Act" refers to Article twelve of Chapter one hundred and six of the General Statutes of North Carolina.

Requiring certain elements.

SEC. 3. On and after the effective date of this Act, it shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale in this State any products covered herein which do not contain the vitamins and minerals as prescribed in the following formulae:

(a) White flour, degerminated corn meal, and degerminated hominy grits shall contain in each pound not less than two (2.0) and not more than two and five tenths (2.5) milligrams of vitamin B_1 (thiamin); not less than one and two tenths (1.2) and not more than one and five tenths (1.5) milligrams of riboflavin; not less than sixteen (16.0) and not more than twenty (20.0) milligrams of niacin (nicotine acid); not less than thirteen (13.0) and not more than sixteen and five tenths (16.5) milligrams of iron; except that self-rising flour shall contain, in addition to the above ingredients, not less than five hundred (500) and not more than one thousand five hundred (1500) milligrams of calcium.

(b) White bread shall contain in each pound not less than one and one tenth (1.1) and not more than one and eight tenths (1.8) milligrams of vitamin B_1 (thiamin); not less than seven tenths (0.7) and not more than one and six tenths (1.6) milligrams of riboflavin; not less than ten (10.0) and not more than fifteen (15.0) milligrams of niacin (nicotinic acid); not less than eight (8.0) and not more than twelve and five tenths (12.5) milligrams of iron.

(c) Enrichment may be accomplished by the addition of vitamins from a natural or synthetic source, or other harmless and assimilable enriching ingredients which will accomplish the purpose of this Act and will be acceptable under the North Carolina Food, Drug and Cosmetic Act.

(d) The enriching ingredients required under Subsections (a) and (b) of this section may be added in a harmless carrier which does not impair the enriched products; *provided,* (1) that such carrier is used only in quantity necessary to effect uniform mixture in the finished products; (2) that the concentration of enriching ingredients does not differ more than fifteen per cent (15%) between top and bottom of containers following subjection to normal handling and transportation; and, (3) that enriched grits be so stabilized that loss of vitamins and minerals from customary rinsing before cooking shall not exceed ten per cent (10%).

SEC. 4. The terms of this Act shall not apply:

Certain exceptions.

(a) To white flour, degerminated grits or degerminated corn meal sold to bakers or other commercial secondary processors; *provided,* the purchaser furnishes to the seller an approved certificate of intent to use said flour, grits or corn meal solely in the production of the products covered in this Act; or in the manufacture of legitimate products not covered by the provisions of this Act.

(b) To whole wheat flour or bread made from the entire wheat berry, or meal or grits made from the entire corn grain;

provided, that (1) flour or bread made from the whole wheat berry, or various portions thereof, mixed with white flour shall contain vitamins and minerals equal to that required for the respective enriched products as defined in Section three (a) and (b); (2) that this subsection shall not be construed to prohibit the further enrichment of whole grain products when done so as to comply with standards and labeling requirements under the North Carolina Food, Drug and Cosmetic Act.

(c) To products ground for the producer's use from the producer's grain; *Provided,* that such products shall become subject to this Act when offered for sale.

Enforcement by Commission of Agriculture.

SEC. 5. (a) The provisions of this Act shall be enforced by the Commissioner of Agriculture, who is hereby directed, and he or his duly authorized agents shall have the authority to conduct examinations and investigations and, for the purpose of inspection and collection of samples for analysis, to enter, during business hours, all mills, storages, or other establishments or vehicles where products covered in this Act are, or upon reasonable grounds are believed to be processed, contained, transported or sold.

(b) In the event that there be shortage or imminence of shortage of enriching ingredients required under Section three (a) and (b) of this Act, the commissioner shall obtain the facts from all proper and authorized sources or from testimony produced at public hearing and if findings show that the distribution of a food may be substantially impeded by enforcement, he shall immediately order suspension of such requirements as threatens distribution; *provided,* such suspension shall be revoked as soon as supplies of enriching ingredients are again available.

Authorizing Board of Agriculture to make regulations.

SEC. 6. The authority for promulgating regulations for the efficient enforcement of this Act, and for bringing into force the provisions under Section three (c) is hereby vested in the Board of Agriculture, and the board is hereby authorized to make standards hereunder conform insofar as practicable, with interstate standards. Actions under this section shall follow proper public notice and hearing.

Violation hereof is misdemeanor.

SEC. 7. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine for each offense of not more than one hundred dollars ($100.00) or to imprisonment of not more than thirty days, or to both such fine and imprisonment.

Other acts applicable.

SEC. 8. That all of the provisions of Article twelve of Chapter one hundred and six of the General Statutes of North Carolina, said article being entitled: "Food, Drugs and Cosmetics," as far as the same are pertinent shall be applicable to the foods, ingredients and substances defined in this Act, and all of the

remedies contained in said Article twelve shall be, and the same are hereby, made available to the commissioner, and to the commissioner and the board, for the enforcement of this Act.

Constitutionality.

SEC. 9. If any provision of this Act, or the application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be severable.

Exemption.

SEC. 9½. *Provided* that nothing in this Act shall apply to mills operated by water or other power grinding whole grain of corn or whole wheat flour.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective June 30, 1945.

SEC. 11. This Act shall be in full force and effect from and after June thirtieth, one thousand nine hundred and forty-five.

Ratified this the 15th day of March, 1945.

H. B. 360 CHAPTER 642

AN ACT TO COMPENSATE C. E. JARVIS FOR DAMAGE TO HIS AUTOMOBILE ON ACCOUNT OF A COLLISION WITH A SCHOOL BUS.

WHEREAS, on the twentieth day of December, one thousand nine hundred and forty-four, it is contended that a Stony Point High School bus had a head-on collision with a one thousand nine hundred and forty-one Ford passenger car owned and operated by C. E. Jarvis; and

WHEREAS, it is contended that the accident has been carefully investigated by the County Superintendent of Schools, Sloane W. Payne, who found that the bus driver admitted that he was at fault and admitted that the accident was due to no fault on the part of C. E. Jarvis; and

WHEREAS, it is contended that the car of C. E. Jarvis was damaged to the extent of one hundred and ninety-two dollars ($192.00), but he has agreed to accept one hundred dollars ($100.00) in settlement therefor; Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to C. E. Jarvis.

SECTION 1. That the State Board of Education be, and it hereby is, authorized and empowered to investigate the said accident and if found to be due to fault on the part of the operator of the school bus, and without fault on the part of C. E. Jarvis, to pay the cost of the damage to the automobile of the said C. E. Jarvis, not exceeding the sum of one hundred dollars ($100.00).

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 383 CHAPTER 643

AN ACT TO PROVIDE FOR THE COMPENSATION OF THE TWIFORD FUNERAL HOME FOR DAMAGES SUSTAINED BY ITS AMBULANCE IN COLLISION WITH A TRUCK OPERATED BY THE ELIZABETH CITY STATE TEACHERS' COLLEGE OF ELIZABETH CITY, NORTH CAROLINA.

WHEREAS, it is contended that on May twelfth, one thousand nine hundred and forty-one a one thousand nine hundred and forty Buick ambulance owned and operated by the Twiford Funeral Home was in collision with a certain one thousand nine hundred and thirty-nine model one and one half ton Chevrolet truck owned and operated by the Elizabeth City State Teachers' College, said collision taking place at about four thirty p. m. on North Carolina Highway Number seventy at a point about three miles South of Elizabeth City; and,

WHEREAS, it is contended that said collision resulted in damage to said ambulance in the amount of three hundred forty-nine dollars and twenty-two cents ($349.22) and it appears that said damage should be paid: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Elizabeth City State Teachers' College is hereby authorized and empowered, after making an investigation and determination of the facts in the case to pay in its discretion to said Twiford Funeral Home such sum or sums, if any, not in excess of three hundred forty-nine dollars and twenty-two cents ($349.22) which it may find just and equitable to compensate said Twiford Funeral Home for any damage to said ambulance upon production of satisfactory proof that the collision and damage occurred without contributory negligence on the part of the driver of the ambulance. Payment of damages to Twiford Funeral Home.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 433 CHAPTER 644

AN ACT TO AMEND SECTION ONE HUNDRED AND FORTY-SEVEN - SIXTY-NINE OF THE GENERAL STATUTES RELATING TO DEPOSITS OF STATE FUNDS IN BANKS AND CHARGES FOR EXCHANGE OR COLLECTION OF SUCH FUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and forty-seven - sixty-nine of the General Statutes of North Carolina is hereby amended by striking out that portion of said section after the period in line twelve and before the period in line seventeen and substituting in lieu thereof, the following:

Prohibiting banks from charging exchange or other fees for collecting State warrants.

No bank shall make any charge for exchange or for the collection of any warrant drawn on the treasurer or for the transmission of any funds which may come into the hands of the State Treasurer, or any other State department, agency, bureau or commission.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March 1945.

H. B. 456 CHAPTER 645

AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE TO REFUND TWO HUNDRED FOUR DOLLARS AND FIFTY CENTS ($204.50) TAX PAID ON GASOLINE USED IN STATIONARY MOTORS.

WHEREAS, A. P. Causby of Morganton, North Carolina, during the quarter ending September thirtieth, one thousand nine hundred and thirty-nine, used four thousand ninety gallons of tax paid gasoline in certain stationary motors used for pumping sand, operating rock crusher and compressed air drill, on which the tax refund amounted to two hundred four dollars and fifty cents ($204.50); and

WHEREAS, claim for gasoline tax refund was prepared prior to October fifteenth, one thousand nine hundred and thirty-nine, and was not executed and filed prior to said date due to the illness of the applicant, A. P. Causby, and his absence away from his place of business for several days, and the claim was not signed by him until October twentieth, one thousand nine hundred and thirty-nine, and placed in the post office on that day, and

was received in the office of the Commissioner of Revenue on the twenty-second day of October, one thousand nine hundred and thirty-nine, and payment was declined for the reason that the same was not received on or before the fifteenth day of October, one thousand nine hundred and thirty-nine; that the applicant, A. P. Causby, did not have any person in his employ who was authorized and empowered to execute and file said tax refund claim, and due to that fact, the same was not signed and mailed until the twentieth day of October, one thousand nine hundred and thirty-nine, five days after the time for filing for the quarter ending September thirtieth, one thousand nine hundred and thirty-nine, had passed; Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing Commissioner of Revenue to refund certain gas tax to A. P. Causby.

SECTION 1. That the Commissioner of Revenue is hereby authorized and directed to refund to A. P. Causby, of Morganton, North Carolina, the sum of two hundred four dollars and fifty cents, or, so much thereof as may be due as per application for refund filed with the Commissioner of Revenue and received by him on the twenty-second day of October, one thousand nine hundred and thirty-nine, as would have been paid had said application been received on October fifteenth, one thousand nine hundred and thirty-nine, according to law, the said amount being the gasoline tax at five cents per gallon on four thousand ninety gallons of tax paid gasoline used by him during the quarter ending September thirtieth, one thousand nine hundred and thirty-nine, in operating sand pump, rock crusher and compressed air drill run by stationary motors.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 463 CHAPTER 646

AN ACT TO AMEND SECTION ONE HUNDRED AND FIVE - THREE HUNDRED AND NINETY-TWO OF THE GENERAL STATUTES OF NORTH CAROLINA, SO AS TO AUTHORIZE THE CLERKS OF SUPERIOR COURTS TO RECORD TAX JUDGMENTS IN A CONTINUING VOLUME RATHER THAN HAVE A SEPARATE VOLUME FOR EACH YEAR.

The General Assembly of North Carolina do enact:

Authorizing Clerks of Superior Court to use continuing volume for recording tax judgments.

SECTION 1. That Section one hundred and five - three hundred and ninety-two of the General Statutes of North Carolina is hereby amended by adding after the second sentence of Subsection (a) the following:

Provided that the clerk of the superior court may enter said certificate in a special continuing book or books entitled "Tax Judgment Docket for taxes for the years beginning————" and index the same in the general judgment index in the name of the listing taxpayer or taxpayers.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 469 CHAPTER 647

AN ACT TO AMEND ARTICLES SEVEN AND FOURTEEN OF CHAPTER ONE HUNDRED AND THIRTEEN OF THE GENERAL STATUTES, SO AS TO PERMIT RESIDENT MEMBERS OF THE UNITED STATES ARMED SERVICES HOME ON FURLOUGH TO HUNT AND FISH DURING OPEN SEASON WITHOUT OBTAINING A LICENSE.

The General Assembly of North Carolina do enact:

SECTION 1. Article seven of Chapter one hundred and thirteen of the General Statutes is hereby amended by inserting a new section therein to read as follows:

Authorizing members of armed forces to hunt without license.

SEC. 113-95.1. Hunting license not required of resident members of armed services on furlough. Members of any branch of the United States Armed Services who are bona fide residents of North Carolina, and who has on his person proper identification as a member of the armed forces, may, while home on temporary leave or furlough, take any wild animals or birds in any county of the State, during the open season thereon, without procuring a hunting license as provided by Section one hundred and thirteen - ninety-five. *Provided* any veteran residing in and receiving treatment in a United States Veterans Facility or any member of the Armed Forces of the United States who has served overseas with the armed forces and is temporarily stationed in a redistribution or rehabilitation center who has on his person a certificate of the administrator of the veterans facility or his commanding officer that such veteran or member of the armed forces is being hospitalized or is being processed in a rehabilitation or distribution center may hunt without license.

SEC. 2. Article fourteen of Chapter one hundred and thirteen of the General Statutes is hereby amended by inserting a new section therein to read as follows:

Authorizing members of armed forces to fish without license.

SEC. 113-144.1. Fishing license not required of resident members of armed services on furlough. Members of any branch of the United States Armed Services who are bona fide residents of North Carolina, and who has on his person proper identification as a member of the armed forces, may, while home on temporary leave or furlough, fish in any of the waters of North Carolina, during the open season therefor, without procuring a fishing license as provided by Section one hundred and thirteen - one hundred and forty-four. *Provided* any veteran residing in and receiving treatment in a United States Veterans Facility or any member of the Armed Forces of the United States who has served overseas with the armed forces and is temporarily stationed in a redistribution or rehabilitation center who has on his person a certificate of the administrator of the veterans facility or his commanding officer that such veteran or member of the armed forces is being hospitalized or is being processed in a rehabilitation or distribution center may fish without license.

Expiration.

SEC. 3. *Provided* this Act shall be in force only for the duration of the present war and six months thereafter.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 488 CHAPTER 648

AN ACT TO CREATE AND ESTABLISH THE WHITEVILLE ADMINISTRATIVE UNIT AND TO PROVIDE FOR THE ADMINISTRATION AND CONTROL THEREOF.

The General Assembly of North Carolina do enact:

Creating Whiteville Administrative Unit.

SECTION 1. That the Whiteville District as has heretofore been defined and established by the Board of Education of Columbus County and approved by the State School Commission is hereby declared to be an administrative unit within the contemplation of the Acts of the General Assembly of North Carolina, and the operation of the public schools within said district shall be vested in a board of trustees as provided for city administrative units.

Boundaries.

SEC. 2. That the boundaries of said administrative unit shall remain the same as it is now constituted, but it may be changed from time to time by the recommendation of the Columbus County Board of Education and the Board of Trustees of the Whiteville Administrative Unit herein established with the approval of the State Board of Education.

Board of Trustees of 5 members.

SEC. 3. That the Board of Trustees of the Whiteville Administrative Unit shall be composed of five members. One member from the New Hope section of the unit, one member from the Western Prong section of the unit, and three members from the Whiteville section of the unit; and in addition to the board of trustees, the New Hope section of the unit shall have a local committee consisting of three members, one of whom shall be the member of the board of trustees of the administrative unit. The other two members shall be appointed by the board of trustees.

Powers and rights of Board.

SEC. 4. That the said Board of Trustees of the Whiteville Administrative Unit is hereby vested with all the authority, rights, powers and duties which are now or may hereafter be granted to city administrative units under the General School Laws of North Carolina.

Initial Trustees.

SEC. 5. That the said board of trustees shall be elected as hereinafter set out in this section. Until the election of the trustees, the following shall serve as trustees of said unit:

(1) Mrs. John Elbert Thompson;
(2) D. E. Baggett;
(3) Walter J. Butler;
(4) J. R. Marks;
(5) Paul Page.

Future election.

(a) At the next general primary and election five trustees shall be elected, two of whom shall serve for a period of two years, and three of whom shall serve for a period of four years or until their successors are elected and qualified, and thereafter the said board of trustees shall be elected biennially.

(b) There shall be a special registration of the residents of the Whiteville Administrative Unit to be held immediately prior to the next general primary as provided by law. All persons entitled by law to vote in the regular primary and election residing in the Whiteville Administrative Unit shall be entitled to register and vote in the precinct or precincts in said administrative unit, and a special book containing the names of all qualified voters shall be kept by the registrars and judges of election of the aforesaid precinct or precincts.

(c) The said board of trustees shall be elected as provided by law for the election of county officers.

(d) The said trustees shall have the qualifications prescribed by law for members of the Board of Columbus County, and there shall be no qualifications as to residence except that the trustee shall reside within the said administrative unit.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect on or after the first day of July, one thousand nine hundred and forty-five.

Ratified this the 15th day of March, 1945.

H. B. 491 CHAPTER 649

AN ACT TO REQUIRE REGISTERS OF DEEDS TO SHOW FEES COLLECTED ON RECORDED PAPERS AND KEEP RECORD OF SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and sixty-one of the General Statutes be amended by adding an additional section as follows:

SEC. 161-28. To aid county auditing, the register of deeds of each county in the State shall enter, or cause to be entered, at the end of the record where each deed, mortgage, deed of trust, or other instruments are recorded, the amount of fees charged for recording said instrument. The register of deeds shall keep in a book provided for such purpose a complete list of instruments recorded and fees collected on each and all other fees collected by the office.

Requiring Register of Deeds to keep record of fees collected.

SEC. 1½. The provisions of this Act shall apply only to Pamlico County.

Applies only to Pamlico County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 493 CHAPTER 650

AN ACT RELATING TO THE GAME OF BINGO IN THE COUNTY OF MECKLENBURG.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be lawful to play or operate the game of "Bingo" in Mecklenburg County in connection with fairs or exhibitions sponsored by civic, charitable, or trade associations of the county.

Legalizing bingo in Mecklenburg County under certain circumstances.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 494 CHAPTER 651

AN ACT AMENDING SECTION ONE HUNDRED AND THIRTY - THIRTY-NINE OF THE GENERAL STATUTES AND AUTHORIZING SANITARY DISTRICTS CONTIGUOUS TO CITIES OF FIFTY THOUSAND POPULATION OR MORE TO ESTABLISH CAPITAL RESERVE FUNDS.

The General Assembly of North Carolina do enact:

Amending Subsection 15 of Section 130 - 39.

SECTION 1. That Subsection fifteen of Section one hundred and thirty - thirty-nine of the General Statutes shall be and the same is hereby amended by substituting the words "fifteen and sixteen" for the words "and fifteen" in line nine of said subsection.

Section 130 - 39.

SEC. 2. That Section one hundred and thirty - thirty-nine of the General Statutes shall be and the same is hereby amended by adding a subsection following Subsection fifteen as follows:

16. To establish a capital reserve fund for the district in accordance with the following provisions:

Capital Reserve Fund.

(a) The district board shall pass a resolution declaring that a capital reserve fund is thereby established, which resolution shall state that said fund shall consist of unencumbered balances and unappropriated surplus revenues evidenced by money derived from collections of ad valorem taxes of the district and/or from service charges and rates applied by the district board in accordance with law and/or from proceeds of the sale of real or personal property of the district, that it shall take effect when the provisions thereof are approved by the Local Government Commission, and the district board shall designate therein some bank or trust company as depositary in which the capital reserve fund shall be placed to the credit of a special account to be known as "————————District, Capital Reserve Fund."

(b) Upon adoption of a resolution by the district board providing therefor and with the approval of the Local Government Commission, the capital reserve fund may be increased at any time with money from like source or sources as those stated in the establishing resolution.

(c) Withdrawal from the capital reserve fund shall be of two kinds, temporary and permanent. Temporary withdrawal may be made (1) in anticipation of the collections of taxes and other revenues of the district of the current fiscal year in which such withdrawal is made and for the purpose of paying principal and/or interest of bonds of the district falling due within three months, but the amount of such withdrawal shall be repayable to the capital reserve fund not later than thirty days after the close of the fiscal year in which such withdrawal is made, and (2) for investment or reinvestment in bonds, notes or certificates of indebtedness of the United States of America, in bonds or notes of the State of North Carolina, in bonds of the district, or in bonds of any city, town or county in North Carolina. Permanent withdrawals may be made for the purpose of acquiring property for the district by purchase or otherwise, or for extending, enlarging, improving, replacing or reconstructing any properties of the district incident to or deemed necessary for the exercise of the powers granted by law to the district board. Each withdrawal shall be authorized by resolution of the district board and approved by the Local Government Commission and shall be by check drawn on the designated depositary of the capital reserve fund upon which such approval by the commission shall be endorsed by the secretary of the commission or by an assistant designated by him for that purpose: *Provided, however,* the State of North Carolina shall not be liable for misapplication of any moneys withdrawn from the capital reserve fund by reason of such endorsement, such endorsement only being prima facie evidence of approval of the withdrawal authorized. No permanent withdrawal shall be made unless, after such withdrawal, there shall remain in the capital reserve fund an amount equal to the sum of the principal and interest of bonds of the district maturing either in the fiscal year in which the withdrawal is made or in the ensuing fiscal year, whichever is greater.

(d) All moneys stated in the establishing resolution or in a resolution providing for increase of the capital reserve fund, when the provisions of such resolutions are approved by the Local Government Commission, and all realizations and earnings from temporary withdrawals shall be deposited in the designated depository of the capital reserve fund by the officer or officers having the charge and custody of such moneys, and it shall be the duty of such officer or officers to simultaneously report each of such deposits to the Local Government Commission.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act shall be and the same are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 496 **CHAPTER 652**

AN ACT TO AMEND CHAPTER TWENTY-EIGHT OF THE GENERAL STATUTES BY INSERTING THEREIN A NEW SECTION TO VALIDATE CERTAIN CONVEYANCES MADE BY FOREIGN EXECUTORS.

WHEREAS, various sales and conveyances of real estate situate in this State have been made by foreign executors under powers of sale contained in the last will and testament of citizens of other states or foreign countries, executed according to the laws of this State and duly proven and recorded in the state or foreign country wherein the testator and his family and said executors resided; and

WHEREAS, many of said conveyances were made without the executors' giving bond and taking out letters of administration as required by Section twenty-eight - thirty-five, Subsection one of the General Statutes; and

WHEREAS, many of such executors have since died and cannot now take out letters in this State: Now, therefore,
The General Assembly of North Carolina do enact:

SECTION 1. Chapter twenty-eight of the General Statutes is hereby amended by inserting therein a new section to be numbered Section twenty-eight - thirty-nine point one as follows:

Relating to conveyances by foreign executors.

SEC. 28-39.1. Conveyances by foreign executors validated. If any nonresident executor, acting under a power of sale contained in the last will and testament of a citizen and resident of another state or foreign country, executed according to the laws of this State and duly proven and recorded in the state or foreign country wherein the testator and his family and said executor resided, and now or hereafter recorded in this State, shall have sold and conveyed real estate situated in this State prior to January first, one thousand nine hundred and forty-five, then said sale and conveyance, so had and made shall be as valid and sufficient in law as though such executor had given bond and obtained letters of administration in this State prior to the execution of such deed.

Not applicable to pending suits.

SEC. 2. This Act shall not apply to or affect actions now pending in the courts of this State.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 498 CHAPTER 653

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED.

The General Assembly of North Carolina do enact:

Amending 1937 Act.

SECTION 1. That Chapter four hundred and seven, Public Laws of one thousand nine hundred and thirty-seven, as amended, be amended further by striking out the period after the word "administration" at the end of the last sentence of Section two, Subsection (r) (1), and adding the following words: or fuel for the exclusive use of the public schools of the State.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 511 CHAPTER 654

AN ACT FIXING TERMS OF SUPERIOR COURT FOR THE TWELFTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Amending law relating to 12th Judicial District.

SECTION 1. The subdivision entitled "Twelfth District" of Section seven - seventy of the General Statutes of North Carolina is amended to read as follows:

TWELFTH DISTRICT

Fixing terms of court.

The Twelfth District is composed of Guilford County and Davidson County. The Superior Court of Guilford County is composed of two divisions, the Greensboro division and the High Point division; and the superior court thereof shall be opened and held at the following times and places, to-wit:

In the Greensboro division at the county court house in Greensboro, for the trial of civil and criminal cases:

Greensboro Division of Guilford County.

Ninth Monday before the first Monday in March, one week; sixth Monday before the first Monday in March, one week; fourth Monday before the first Monday in March, one week; first Monday in March, one week; third Monday after the first Monday in March, one week; seventh Monday after the first Monday in March, one week; eleventh Monday after the first Monday in March, one week; fifteenth Monday after the first Monday in March, one week; eighth Monday before the first Monday in September, one week; fifth Monday before the first Monday in

September, one week; first Monday after the first Monday in September, one week; third Monday after the first Monday in September, one week; sixth Monday after the first Monday in September, one week; eighth Monday after the first Monday in September, three weeks; thirteenth Monday after the first Monday in September, one week; and fifteenth Monday after the first Monday in September, one week.

High Point Division of Guilford County.

In the High Point division at the county building in High Point for the trial of civil and criminal cases:

Eighth Monday before the first Monday in March, one week; first Monday after the first Monday in March, one week; eighth Monday after the first Monday in March, one week; twelfth Monday after the first Monday in March, one week; seventh Monday before the first Monday in September, one week; second Monday after the first Monday in September, one week; seventh Monday after the first Monday in September, one week; and fourteenth Monday after the first Monday in September, one week.

Greensboro.

In the Greensboro division at the county court house in Greensboro for the trial of civil cases only:

Eighth Monday before the first Monday in March, three weeks; second Monday before the first Monday in March, two weeks; second Monday after the first Monday in March, one week; fifth Monday after the first Monday in March, three weeks; thirteenth Monday after the first Monday in March, two weeks; third Monday before the first Monday in September, one week; first Monday before the first Monday in September, two weeks; third Monday after the first Monday in September, three weeks; eleventh Monday after the first Monday in September, two weeks; and thirteenth Monday after the first Monday in September, two weeks.

High Point.

In the High Point division at the county building in High Point, for the trial of civil cases only:

Fourth Monday before the first Monday in March, two weeks; third Monday after the first Monday in March, two weeks; tenth Monday after the first Monday in March, two weeks; fourth Monday before the first Monday in September, one week; and the eighth Monday after the first Monday in September, two weeks.

Greensboro.

The regular judge holding the courts of the Twelfth Judicial District shall hold the following courts of the Greensboro division:

Ninth Monday before the first Monday in March, one week mixed; eighth Monday before the first Monday in March, three weeks civil; sixth Monday before the first Monday in March, one week mixed; fourth Monday before the first Monday in March,

one week mixed; first Monday in March, one week mixed; second Monday after the first Monday in March, one week civil; third Monday after the first Monday in March, one week mixed; fifth Monday after the first Monday in March, three weeks civil; thirteenth Monday after the first Monday in March, two weeks civil; fifteenth Monday after the first Monday in March, one week mixed; eighth Monday before the first Monday in September, one week mixed; fifth Monday before the first Monday in September, one week mixed; third Monday before the first Monday in September, one week civil; first Monday before the first Monday in September, two weeks civil; third Monday after the first Monday in September, three weeks civil; sixth Monday after the first Monday in September, one week mixed; eighth Monday after the first Monday in September, three weeks mixed; eleventh Monday after the first Monday in September, two weeks civil; thirteenth M onday after the first Monday in September, two weeks civil; fifteenth Monday after the first Monday in September, one week mixed.

The regular judge holding the courts of the Twelfth Judicial District shall hold the following courts of the High Point division:

First Monday after the first Monday in March, one week mixed; eighth Monday after the first Monday in March, one week mixed; tenth Monday after the first Monday in March, two weeks civil; twelfth Monday after the first Monday in March, one week mixed; seventh Monday before the first Monday in September, one week mixed; fourth Monday before the first Monday in September, one week civil; seventh Monday after the first Monday in September, one week mixed. High Point.

The Governor shall assign a special, emergency or any regular judge to hold all other terms of both the Greensboro division and High Point division. And if for any reason the judge holding the courts of the Twelfth Judicial District is unable to hold any of said terms, the Governor shall assign an emergency or any other judge to hold said terms.

Any of the terms of court assigned or provided as above set out to be held in either the Greensboro division or the High Point division of the Superior Court of Guilford County may be transferred to, and held in, the other division of the said Superior Court of Guilford County by order of the Governor: *Provided, however,* that the President of the Greensboro Bar Association and the President of the High Point Bar Association recommend and agree in writing thereto.

In Davidson County at the court house in Lexington for the trial of civil and criminal cases:

Davidson County.

Fifth Monday before the first Monday in March, one week; ninth Monday after the first Monday in March, one week; sixteenth Monday after the first Monday in March, one week; second Monday before the first Monday in September, one week; eleventh Monday after the first Monday in September, two weeks.

In Davidson County at the court house in Lexington for the trial of civil cases only:

Davidson County.

Second Monday before the first Monday in March, two weeks; fifth Monday after the first Monday in March, two weeks; twelfth Monday after the first Monday in March, two weeks; first Monday after the first Monday in September, two weeks; fourth Monday after the first Monday in September, two weeks.

The regular judge holding the courts of the Twelfth Judicial District shall hold the following courts in Davidson County at the court house in Lexington:

Davidson County

Fifth Monday before the first Monday in March, one week mixed; second Monday before the first Monday in March, two weeks civil; ninth Monday after the first Monday in March, one week mixed; sixteenth Monday after the first Monday in March, one week mixed; second Monday before the first Monday in September, one week mixed; first Monday after the first Monday in September, two weeks civil.

The Governor shall assign a special, emergency or any regular judge to hold all other terms in Davidson County. If for any reason the judge holding the courts of the Twelfth Judicial District is unable to hold any of said terms, the Governor shall assign an emergency or any other judge to hold said terms.

Effective July 2, 1945.

SEC. 2. This Act shall become effective from and after the first Monday in July, one thousand nine hundred and forty-five.

Ratified this the 15th day of March, 1945.

H. B. 523 **CHAPTER 655**

AN ACT TO PROVIDE FOR FREE TEXTBOOKS IN THE EIGHTH GRADE OF THE PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Providing textbooks for 8th Grade in Public Schools.

SECTION 1. Amend Chapter one hundred and sixty-nine, Public Laws, one thousand nine hundred and thirty-seven, Section one, Subsection three, line seven, by striking out the word "seven" and substituting in lieu thereof the word "eight."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect after July first, one thousand nine hundred and forty-five. Effective July 1, 1945.

Ratified this the 15th day of March, 1945.

H. B. 553 CHAPTER 656

AN ACT TO AMEND SECTION SIXTY-TWO - EIGHTY-TWO OF THE GENERAL STATUTES OF NORTH CAROLINA, EXTENDING THE AUTHORITY OF THE UTILITIES COMMISSION OVER THE REFINANCING OF UTILITY SECURITIES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section sixty-two - eighty-two of the General Statutes of North Carolina be amended by adding thereto the following:

Furthermore, in the event of an application by a utility for the refinancing of its outstanding shares of stock by exchanging or redeeming such outstanding shares, the exchange or redemption of such shares of any dividend rate or rates, class or classes, may be made, in whole or in part, in the manner and to the extent approved by the commission, notwithstanding any provisions of law applicable to corporations in general: *Provided*, that the proposed transactions are found by the commission to be in the public interest and in the interest of consumers and investors, and provided that any redemption shall be at a price or prices, not less than par, and at a time or times, stated or provided for in the utility's charter or stock certificates. Extending authority of Utilities Commission over refinancing utility securities.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 562 CHAPTER 657

AN ACT RELATING TO THE TERM OF OFFICE OF THE TRUSTEES OF A SCHOOL LOT IN SHAWBORO, CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section three of Chapter five hundred seventeen of the Session Laws of one thousand nine hundred and forty-three is hereby amended by striking out the word, "four" in line nine and inserting in lieu thereof, the word "six." Relating to Trustees of a school lot in Currituck County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 564 CHAPTER 658

AN ACT TO CREATE A TEMPORARY NORTH CAROLINA FOREST SURVEY COMMISSION, TO REPORT TO THE GENERAL ASSEMBLY.

WHEREAS, the policy of the State of North Carolina recognizes the existence of a public interest in and to the forest resources and forest lands of the State and the necessity of public assistance and guidance in the process of harvesting forest resources and conserving and maintaining the productivity of forest lands in the interest of public safety, health and general welfare, and it is further declared as a matter of policy to encourage economic management and scientific development of the forests to maintain, conserve and improve the soil resources of the State to the end that an adequate source of forest products be preserved for the people, that floods and soil erosion be prevented, the natural beauty of the State be preserved, the wildlife be protected, the development of the recreational interests be encouraged, the fertility and productivity of the soil be maintained, the impairment of dams and reservoirs be prevented, and the health, safety and general welfare of the people of the State be sustained and promoted: Now, therefore,

The General Assembly of North Carolina do enact:

Forest Survey Commission.

SECTION 1. Forest Survey Commission. That the Governor shall appoint, not later than sixty days after ratification of this Act, a forest survey commission to study the forestry needs of the State with particular reference to existing standards as against desirable standards in forest protection, forest cutting practices, and reforestation; to investigate the possibilities of restoring the State naval stores industry; and to consider similar forestry problems.

Membership of Commission.

SEC. 2. Commission Membership. That said commission shall be composed of two members of the Senate and three members of the House of Representatives of the current General Assembly, all of whom shall be deemed by the Governor to have shown an active and progressive interest in forest conservation in this State and in the vital forest products industries of the State. The Governor shall designate the chairman of the commission.

SEC. 3. Meetings. That the commission chairman shall call the first meeting of the commission, in the City of Raleigh, within thirty days after its appointment. The commission shall meet thereafter at its own discretion as to place and time, but at least once in every ninety days, until its findings are completed. Meetings.

SEC. 4. Duties. That the commission shall be directed to prepare a report and recommendations addressed to the Governor and the next ensuing regular or special session of the General Assembly, and that such report be designed as a guide for any legislation the commission may deem necessary to place the forests of this State on a sound sustained yield basis. Duties.

SEC. 5. Assistance to Commission. That the commission shall receive all feasible advice and help from the Board of Conservation and Development; shall receive necessary clerical help from the Department of Conservation and Development; and shall invite counsel and assistance from the North Carolina Forestry Association, the forest products industries, and such public agencies as it may choose. Board of Conservation & Development to aid Commission.

SEC. 6. Funds. The Governor and Council of State are hereby authorized and empowered to allocate from time to time from the contingency and emergency fund such funds as may be reasonably necessary to carry on the essential work of the commission in accordance with the provisions of this Act. Funds.

SEC. 7. This Act shall be in full force and effect from and after its ratification, until the commission's report shall have been received by the next regular or special session of the General Assembly.

Ratified this the 15th day of March, 1945.

H. B. 577 **CHAPTER 659**

AN ACT PROVIDING FOR FREE REGISTRATION OF OFFICIAL DISCHARGES FROM THE ARMED FORCES OF THE UNITED STATES.

The General Assembly of North Carolina do enact:

SECTION 1. Section forty-seven - one hundred and ten of the General Statutes is hereby rewritten to read as follows:

47-110. Registration of official discharge or certificate of lost discharge. Upon the presentation to the register of deeds of any county of any official discharge, or official certificate of lost discharge, from the Army, Navy, Marine Corps, or any other branch of the Armed Forces of the United States he shall record the same without charge in the book provided for in Section forty-seven - one hundred and nine. Free registration of discharges.

SEC. 2. Section forty-seven - one hundred and nine of the General Statutes is hereby amended by striking out the words "military and naval" in line six and by inserting in lieu thereof the words, "Army, Navy, Marine Corps and other branches of the armed."

Certified copies furnished without charge.

SEC. 3. Section forty-seven - one hundred and thirteen of the General Statutes is hereby amended by changing the period at the end thereof to a colon and by adding thereafter the following:

Provided, that the register of deeds shall furnish such certified copy without charge to any member or former member of the Armed Forces of the United States who applies therefor.

SEC. 3½. Article five of Chapter forty-seven of the General Statutes is hereby amended by adding at the end thereof a new section as follows:

County pays expenses.

SEC. 47-114. Payment of expenses incurred. The county commissioners of each county are hereby authorized and empowered in their discretion to appropriate from the general fund of the county an amount sufficient to cover any additional expense incurred by the register of deeds of the county in carrying out the purposes of this article.

SEC. 4. This Act shall become effective upon its ratification.

Ratified this the 15th day of March, 1945.

H. B. 581 CHAPTER 660

AN ACT TO AMEND CHAPTER TWENTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED, RELATIVE TO THE CHARTER OF THE TOWN OF CAROLINA BEACH.

WHEREAS, Chapter six hundred and fourteen of the Session Laws of one thousand nine hundred and forty-three required that a referendum be conducted in the Town of Carolina Beach to determine whether or not the voters of said town desired to change the charter of said town so as to cause the General Municipal Election Law to be applicable to all municipal elections conducted in said town; and

WHEREAS, Chapter six hundred and fourteen of the Session Laws of one thousand nine hundred and forty-three further provides that if a majority of the ballots cast in said referendum favor placing the Town of Carolina Beach under the General Municipal Election Law of North Carolina, this shall be interpreted as a mandate to the General Assembly of one thou-

sand nine hundred and forty-five to enact legislation to place said town under the General Municipal Election Law; and

WHEREAS, on the seventh day of June, one thousand nine hundred and forty-three, in accordance with the provisions of said Act, a referendum was conducted and a majority of the voters cast their ballots in favor of placing said town under the General Municipal Election Law, the result of said referendum having been duly certified by the clerk of said town: Now, therefore,

The General Assembly of North Carolina do enact:

Amending Charter of Carolina Beach.

SECTION 1. Amend Chapter twenty-one of the Private Laws of one thousand nine hundred and thirty-five, as amended by Chapter three hundred and thirty-four of the Private Laws of one thousand nine hundred and thirty-nine, and Chapter six hundred and fourteen of the one thousand nine hundred and forty-three Session Laws, by striking out all of Section one and inserting in lieu thereof the following:

Election of Mayor & 4 Aldermen.

SECTION 1. That on the first Tuesday in May, one thousand nine hundred and forty-five, and on the first Tuesday in May every two years thereafter, there shall be elected a mayor and four aldermen for the Town of Carolina Beach, in the manner as hereinafter set forth, and who shall possess and be invested with all powers and duties which are now, or may hereafter be given by law to the governing bodies of cities and towns in the State of North Carolina.

On or before the first day of April, one thousand nine hundred and forty-five, and every two years thereafter, any person desiring to become a candidate for the office of mayor, or alderman of Carolina Beach, shall file with the election board of said town his petition for said office signed by at least five legal residents of the said town. The person receiving the highest number of votes shall be duly certified as mayor of said town, and the next four receiving the highest number of votes shall be certified as aldermen of said town. The said mayor and aldermen shall take the oath of office before a person qualified to administer said oath, and shall be inducted in office on the first Tuesday in July, or as soon thereafter as possible. Such officers shall hold office during their term and until their successors are elected or appointed and qualified. Should a vacancy occur either in the office of mayor or in the board of aldermen of the said Town of Carolina Beach during their respective terms, the remaining officers of the Town of Carolina Beach shall appoint a qualified successor.

General laws govern elections.

All municipal elections held or conducted in the Town of Carolina Beach shall be conducted and held in accordance with the General Municipal Election Law as indicated in Article three entitled, "Elections" contained in Chapter one hundred and sixty of the General Statutes of North Carolina, entitled, "Municipal Corporations," and as the same may be amended from time to time. The word commissioners in said election laws shall be deemed to mean aldermen of said town.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 586 CHAPTER 661

AN ACT TO REIMBURSE MRS. HERMAN FORRESTER OF CHATHAM COUNTY, NORTH CAROLINA, FOR MEDICAL AND HOSPITAL EXPENSES INCURRED BY REASON OF INJURIES INFLICTED BY A PUBLIC SCHOOL BUS.

WHEREAS, during the month of March, one thousand nine hundred and forty-four, on the Sanford Highway, about two miles South of Siler City, Chatham County, North Carolina, Mrs. Herman Forrester, of said county, received certain injuries consisting of a fractured kneecap, a fractured skull, the loss of several teeth and an arm injury, all by reason of an accident in which she was struck by a school bus belonging to the North Carolina Board of Education and operated by its duly employed driver; and

WHEREAS, Mrs. Forrester has incurred considerable medical and hospital expense by reason of said injuries in the sum of at least six hundred dollars ($600.00); and,

WHEREAS, there is no legal remedy available to Mrs. Herman Forrester by which she might recover her damages in connection with said accident: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Mrs. Herman Forrester.

SECTION 1. The said Board of Education is hereby authorized to investigate the claim of said Mrs. Herman Forrester, and, upon production of proof satisfactory to the board that the injuries suffered by the claimant resulted from the negligent operation of the school bus by its duly employed driver, and that there was no contributory negligence on the part of Mrs. Herman Forrester, then in such event the State Board of Education

is authorized to pay to Mrs. Herman Forrester such sum not exceeding six hundred dollars ($600.00) as will reimburse her for her actual expenses found to have been incurred by reason of said injuries.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 587 CHAPTER 662

AN ACT TO REIMBURSE W. GRADY POE, OF STALEY, NORTH CAROLINA, FOR DAMAGE TO HIS AUTOMOBILE BY REASON OF A COLLISION WITH A PUBLIC SCHOOL BUS ON NOVEMBER TWENTY-SECOND, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

WHEREAS, on November twenty-second, one thousand nine hundred forty-three, in Chatham County, North Carolina, a collision occurred between a school bus owned and operated by the State Board of Education and a Master Chevrolet Sedan, one thousand nine hundred thirty-three model, belonging to W. Grady Poe, of Staley, North Carolina; and

WHEREAS, it appears that W. Grady Poe has suffered damages to his said automobile by reason of said collision in the sum of at least two hundred and seventy-five dollars ($275.00), and that he is without legal remedy by which he might recover said damages: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of said W. Grady Poe, and, upon production of proof satisfactory to the board that the collision and resultant damage was caused by the negligent operation of the school bus by its duly employed driver, and that there was no contributory negligence on the part of the driver of the automobile belonging to W. Grady Poe, then in such event the State Board of Education is authorized to pay to W. Grady Poe such sum not exceeding two hundred and seventy-five dollars ($275.00), as will reimburse him for the actual damage found to have been sustained by his said automobile. Payment of damages to W. Grady Poe.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 588 CHAPTER 663

AN ACT TO COMPENSATE HERMAN FORRESTER OF CHATHAM COUNTY FOR DAMAGE TO HIS AUTOMOBILE BY REASON OF COLLISION WITH A PUBLIC SCHOOL BUS IN MARCH, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR, IN CHATHAM COUNTY.

WHEREAS, During the month of March, one thousand nine hundred and forty-four, on the Sanford Highway, two miles South of Siler City, in Chatham County, North Carolina, a collision occurred between a school bus owned and operated by the State Board of Education and an automobile owned by Herman Forrester, of Chatham County, North Carolina; and

WHEREAS, it appears that Herman Forrester has suffered damages to his said automobile by reason of said collision in the sum of at least two hundred dollars ($200.00), and that there is no legal remedy available to Herman Forrester by which he might recover said damages: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Herman Forrester.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of said Herman Forrester and, upon production of proof satisfactory to the board that the collision and resultant damage was caused by the negligent operation of the school bus by its duly employed driver, and that there was no contributory negligence on the part of the driver of the automobile of the claimant, then in such event the North Carolina Board of Education is authorized to pay to Herman Forrester such sums not in excess of two hundred dollars ($200.00) as will reimburse him for the actual damage found to have been sustained by his car as a result of such collision.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 591 CHAPTER 664

AN ACT TO AMEND SECTION ONE - EIGHTY-NINE OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one - eighty-nine of the General Statutes of North Carolina be amended by adding at the end of said section, the following:

Whenever a summons is issued for service under the provisions of Section one - one hundred and four of the General Statutes it may be served by the sheriff or other process officer of the county and state where the defendant resides at any time within thirty (30) days after the date of its issue.

Amending law relating to service of summons.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 599 CHAPTER 665

AN ACT TO VALIDATE ACTS OF NOTARIES PUBLIC IN CERTAIN INSTANCES.

The General Assembly of North Carolina do enact:

SECTION 1. That all acknowledgments taken and other official acts done by any person who has heretofore been appointed as a notary public, but who at the time of acting had failed to qualify as provided by law, shall, notwithstanding, be in all respects valid and sufficient; and property conveyed by instruments in which the acknowledgments were taken by such notary public are hereby validated and shall convey the properties therein purported to be conveyed as intended thereby.

Validating acts of certain notaries public.

SEC. 2. The provisions of this Act shall not be effective as to any pending litigation.

Does not apply to pending legislation.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 601 **CHAPTER 666**

AN ACT TO COMPENSATE D. F. STILLWELL OF FORSYTH COUNTY FOR DAMAGE TO HIS AUTOMOBILE BY REASON OF COLLISION WITH A PUBLIC SCHOOL BUS ON JANUARY FOURTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE, IN FORSYTH COUNTY.

WHEREAS, on January fourth, one thousand nine hundred and forty-five, on the White Rock school grounds in Forsyth County, North Carolina, a collision occurred between a school bus owned and operated by the State Board of Education and a Dodge automobile, model one thousand nine hundred and forty, owned by D. F. Stillwell of Forsyth County, North Carolina; and,

WHEREAS, it appears that D. F. Stillwell has suffered damage to his said automobile by reason of this collision in the sum of at least fifty-two dollars and fifty cents ($52.50) and that there is no legal remedy available to D. F. Stillwell by which he might recover said damages: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to D. F. Stillwell.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of said D. F. Stillwell and, upon production of proof satisfactory to the board that the collision and resultant damage was caused by the negligent operation of the school bus by its duly employed driver, and that there was no contributory negligence on the part of the driver of the automobile of the claimant, then in such event the North Carolina Board of Education is authorized to pay D. F. Stillwell such sums not in excess of fifty-two dollars and fifty cents ($52.50) as will reimburse him for the actual damage found to have been sustained by his car as a result of such collision.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 602 CHAPTER 667

AN ACT TO COMPENSATE J. R. REICH OF FORSYTH COUNTY FOR DAMAGE TO HIS TRACTOR BY REASON OF COLLISION WITH A PUBLIC SCHOOL BUS ON MAY SEVENTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR, IN FORSYTH COUNTY.

WHEREAS, on May seventeenth, one thousand nine hundred and forty-four, on the highway between Clemmons and Griffith Schools in Forsyth County a collision occurred between a school bus owned and operated by the State Board of Education and a Chevrolet tractor owned by J. R. Reich of Forsyth County, North Carolina; and,

WHEREAS, it appears that J. R. Reich, has suffered damage to his said tractor by reason of this collision in the sum of at least one hundred eighty-five dollars and twenty-eight cents ($185.28) and that there is no legal remedy available to J. R. Reich by which he might recover said damages: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to J. R. Reich.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of J. R. Reich and, upon production of proof satisfactory to the board that the collision and resultant damage was caused by the negligent operation of the school bus by its duly employed driver, and that there was no contributory negligence on the part of the driver of the tractor of the claimant, then in such event the North Carolina Board of Education is authorized to pay to J. R. Reich such sums not in excess of one hundred eighty-five dollars and twenty-eight cents ($185.28) as will reimburse him for the actual damage found to have been sustained by his tractor as a result of such collision.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 608 **CHAPTER 668**

AN ACT TO REWRITE SECTION ONE HUNDRED AND SIX - SIXTY-TWO OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE SEIZURE OF INSECTICIDES OR FUNGICIDES EXPOSED FOR SALE IN VIOLATION OF LAW.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one hundred and six - sixty-two of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Amending law relating to insecticides and fungicides.

SEC. 106-62. Seizure of Articles. (a) When any Paris green, calcium arsenate, lead arsenate or any other insecticide or fungicide is found to be sold, offered or exposed for sale in this State in violation of any provisions of this article, or whenever a duly authorized agent of the Department of Agriculture finds he has probable cause to believe that any insecticide or fungicide is being sold, offered or exposed for sale in this State in violation of any provisions of this article, he shall affix to such insecticide or fungicide a tag, appropriate marking, or shall post a notice on the premises in which said insecticide or fungicide is located, giving notice that such insecticide or fungicide is suspected of being sold, offered or exposed for sale in violation of the provisions of this article or that the same is being sold, offered or exposed for sale in violation of the provisions of this article, and that the same has been detained or embargoed, and warning all persons not to remove or dispose of such Paris green, calcium arsenate, lead arsenate or other insecticides or fungicide by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed insecticide or fungicide by sale or to offer to expose same for sale without such permission.

(b) When an insecticide or fungicide detained or embargoed under Subsection (a) has been found by such agent to be sold, offered or exposed for sale in violation of any provisions of this article he shall petition the judge of any recorder's, county or superior court in whose jurisdiction the insecticide or fungicide is detained or embargoed for an order of condemnation of such insecticide or fungicide. When such agent has found that such insecticide or fungicide so detained or embargoed is not being sold, offered or exposed for sale in violation of any of the provisions of this article he shall remove the tag, marking or notice.

(c) If the court finds that the detained or embargoed insecticide or fungicide is being sold, offered or exposed for sale in violation of any of the provisions of this article such insecticide

and fungicide shall, after entry of the decree of the court, be destroyed at the expense of the claimant thereof, under the supervision of such agent and all court costs and fees and storage and other proper expenses, shall be taxed against the claimant of such article or his agent: *Provided*, that if any insecticide or fungicide can be corrected by proper labeling or processing or by any other correction so that the same will comply with the provisions of this article, the court, after entry of the decree and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such insecticide or fungicide shall be so labeled, processed or corrected, has been executed, may by order direct that such insecticide or fungicide be delivered to the claimant thereof for such labeling processing or correction under the supervision of an agent of the Department of Agriculture. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant on representation to the court by the Department of Agriculture that the insecticide or fungicide is no longer in violation of this article, and that the expenses of such supervision have been paid.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 630 CHAPTER 669

AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO SEPARATING A CHILD UNDER SIX MONTHS OF AGE FROM ITS MOTHER.

The General Assembly of North Carolina do enact:

SECTION 1. Section fourteen - three hundred and twenty of the General Statutes of North Carolina is hereby amended as follows:

(1) By changing the period at the end of the first sentence to a colon and by adding thereafter the following:

Amending law relating to separating child less than 6 months of age from mother.

Provided, further, that the written consent of either the county superintendent of public welfare of the county in which the mother resides, or of the county in which the child was born, or of a private child placing agency duly licensed by the State Board of Public Welfare, shall be sufficient in the case of a child born out of wedlock; but the written consent of any of the officials named in this section shall not be necessary for

either a legitimate or an illegitimate child when the mother places the child with near relatives or in a boarding home or institution inspected or licensed by the State Board of Public Welfare.

(2) By changing the semicolon in line thirteen to a colon and by capitalizing the word "provided" in the same line.

SEC. 2. This Act shall become effective upon its ratification.

Ratified this the 15th day of March, 1945.

H. B. 633 CHAPTER 670

AN ACT TO REQUIRE THE APPOINTMENT OF MONITORS TO PRESERVE ORDER IN SCHOOL BUSSES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Requiring monitors in school buses.

SECTION 1. That the superintendent or principal of every public school to which students are brought by school bus or school busses may appoint a monitor for each bus.

It shall be the duty of the monitors so appointed to keep order and do other things necessary for the safe transportation of children in public school busses in North Carolina, under rules and regulations established by the county boards of education or the principal of the school where the bus is operated.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 654 CHAPTER 671

AN ACT TO ALLOW THE GOVERNING BODY OF THE TOWN OF MOUNT AIRY TO DONATE TO THE UNITED STATES VETERANS ADMINISTRATION CERTAIN PROPERTY OWNED BY THE TOWN OF MOUNT AIRY.

WHEREAS, the Town of Mount Airy is the owner in fee of certain properties in the County of Surry which it no longer uses for public purposes; and

WHEREAS, the Veterans Administration of the United States Government, or other appropriate agency thereof, desires to acquire a site for the purpose of constructing a veterans' hospital; and

WHEREAS, the officials of the Town of Mount Airy are of the opinion that it is to the interest and best advantage of the town, county, and the citizens thereof that said property should be conveyed for such purpose if the same will be accepted by the Veterans Administration: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing Mount Airy to give certain property to Veterans Administration.

SECTION 1. That the Mayor and governing body of the Town of Mount Airy are hereby authorized to donate and convey to the United States Government, or the appropriate agency thereof, for the purposes recited in the preamble, any or all of the properties owned by the Town of Mount Airy which was formerly used by it as a watershed, the same consisting of approximately five hundred acres of land or a part thereof just North of the Town of Mount Airy located on Highway fifty-two and truck lane.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 674 CHAPTER 672

AN ACT RELATING TO THE APPOINTMENT AND SALARY OF THE TAX COLLECTOR OF POLK COUNTY AND ABOLISHING THE OFFICE OF DELINQUENT TAX COLLECTOR.

The General Assembly of North Carolina do enact:

Authorizing Polk County to employ tax collector.

SECTION 1. That on the first Monday in December, one thousand nine hundred and forty-six, and biennially thereafter, the County Commissioners, of Polk County shall name a tax collector and assign to him the duties of collecting all of the taxes of the county, including all delinquent taxes, and require of said collector bond in such amount as may be determined, premium thereon to be paid by the county.

Abolishing office of delinquent tax collector.

SEC. 2. The Board of Commissioners of Polk County shall cause to be made at the earliest possible date, a complete audit of the affairs of the office of delinquent tax collector and immediately upon the completion of said audit, the office of delinquent tax collector shall be abolished and the duties and functions of said office shall be transferred to and consolidated with the office of Tax Collector of Polk County.

Fixing compensation of tax collector.

SEC. 3. That from the date of the consolidation of the delinquent tax collector and tax collector as provided in Section two, until the first Monday in December, one thousand nine hundred and forty-six, the said tax collector shall receive an annual salary of two thousand dollars ($2,000.00) per annum payable in equal monthly installments and in addition to said salary shall receive two per cent (2%) of all delinquent taxes collected other than by foreclosure, up to twenty-five thousand dollars ($25,000.00) and three per cent (3%) of all delinquent taxes collected in excess of twenty-five thousand dollars ($25,000.00). The said tax collector shall not receive any commission on the collection of current taxes. The said tax collector shall pay out of said compensation all expenses of any clerk hire or assistants.

SEC. 4. From and after the appointment of the tax collector on the first Monday in December, one thousand nine hundred and forty-six, he shall receive an annual salary of twenty-one hundred dollars ($2,100.00) per year and the board of county commissioners shall furnish him an assistant at a salary of not in excess of nine hundred dollars ($900.00) per year.

Tax collector to spend certain time in each township.

SEC. 5. That from and after the first Monday in December, one thousand nine hundred and forty-six, the Tax Collector of Polk County in the performance of his duties shall spend not less than six days per year in each of the townships of the county after having first given notice, through a newspaper published in the county, of the date and place he will be in the several townships.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act will be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 678 CHAPTER 673

AN ACT TO TAX AND REGULATE PROFESSIONAL BONDSMEN AND OTHERS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Requiring license fee of professional bondsmen in New Hanover County.

SECTION 1. It shall be unlawful for any person, firm, or corporation to engage in the business of a professional bondsman, or surety, without first paying an annual license fee to the City of Wilmington and County of New Hanover in the sum of one hundred ($100.00) dollars each.

Clerk to pass on financial responsibility of bondsmen.

SEC. 2. Every person, firm, or corporation licensed as a professional bondsman, or surety, shall, before engaging in such business, file a schedule of financial condition with the clerk of the superior court, and the financial responsibility of the obligor named in all bail or other bonds executed by said professional bondsman shall be approved by said clerk. When, in the opinion of said clerk of the superior court, the financial condition of any professional bondsman is inadequate to justify acceptance of further bonds, he shall demand from such professional bondsman a deposit of security in such value as to secure the State in the collection of any forfeited penalty.

Defining professional bondsman.

SEC. 3. The term professional bondsman, as herein used, shall be construed to include any individual, group of individuals, or corporation, who shall, for pay or profit, execute any bond for the release of any person or property from custody of law, or for the guarantee of any penalty contained in any bond, or recognizance.

Prohibiting soliciting business through attorneys or court officials.

SEC. 4. It shall be unlawful for any professional bondsman to solicit business by or through any attorney at law, court official, or law enforcement officer, or to pay to, give, or lend to any said person or persons money or other things of value as pay or gratuity for such service.

Prohibiting same in jail, etc.

SEC. 5. It shall be unlawful for any professional bondsman to solicit business, directly or through another, in any jail, court house, court room, or other municipal or governmental building.

Prohibiting soliciting for attorneys.

SEC. 6. It shall be unlawful for any professional bondsman, court official, or law enforcement officer to recommend to any person incarcerated or bailed, any particular attorney at law, or firm practicing law, or to advise such person with respect to the law or court procedure.

Prohibiting law enforcement officers from serving as bondsmen.

SEC. 7. No sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, or the wife of any sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, shall in any case become bail for any prisoner, for money or property. Nor shall any sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, or their wives, become bail as agents for any professional bondsman. Nor shall they recommend any particular professional bondsman, or attorney at law.

Prohibiting bondsmen from paying fees to attorneys, court officials, et al.

SEC. 8. It shall be unlawful for any attorney, or court official, or law enforcement officer to accept any pay or gratuity from any professional bondsman for any service rendered, directly or indirectly, to said bondsman, except fees fixed by law or as compensation for professional services rendered in the customary practice of the legal profession.

Fixing bail fees.

SEC. 9. It shall be unlawful for any professional bondsman to charge or receive as compensation for his services to any person a sum in excess of five per cent (5%) of the penalty of any bond. A minimum charge of five ($5.00) dollars may be made. No person bailed shall be surrendered as provided by law during the pendency of his cause unless the professional bondsman shall return to such person one half of the charge made and received by him for his service. *Provided, however,* no refund shall be required of said professional bondsman if such person, during the pendency of his cause, shall fail to make his appearance as required by his recognizance.

Violation hereof constitutes misdemeanor.

SEC. 10. Any person, firm, or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court, and upon conviction the court shall suspend or revoke the license of such professional bondsman for a period of two years.

Other penalties.

SEC. 11. The Governing Board of the City of Wilmington or the board of county commissioners shall have the power to inquire into the violation of any of the provisions of this Act and to revoke the license of any professional bondsman upon satisfactory proof of such violation, after said bondsman has been given an opportunity to be heard in his defense. Whenever any license has been revoked it shall be unlawful to reissue said license to any person, firm, or corporation for a term of two (2) years after the revocation of same. The revocation of either municipal or county license shall automatically revoke any other license issued to said bondsman. Any professional bondsman shall have the right to appeal said revocation to the superior court.

Does not apply to bondsmen licensed by Insurance Department.

SEC. 12. This Act shall not apply to surety or bonding companies regularly licensed by the Insurance Department of the State of North Carolina.

Applies only to New Hanover County.

SEC. 13. That this Act shall apply to New Hanover County only.

Conflictings laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 15. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 684 **CHAPTER 674**

AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS FOR THE ESTABLISHMENT OF PITT COUNTY DRAINAGE DISTRICT NUMBER FIVE.

The General Assembly of North Carolina do enact:

Validating formation of Pitt County Drainage District No. 5.

SECTION 1. Pitt County Drainage District Number Five, established by the Clerk of the Superior Court of Pitt County in that certain special proceedings entitled: "John R. Bell, Moses Tyson et als-vs-S. M. Harris, Nathaniel Warren et als" and entitled "In Re: Establishment of Pitt County Drainage District Number Five" which proceeding was instituted in said record by petition duly filed therein and is fully set forth in the records of special proceedings in said office of the clerk of the superior court of said county under the provisions of Chapter one hundred and fifty-six of the General Statutes of North Carolina of one thousand nine hundred and forty-three and amendments thereto, is hereby ratified, confirmed, and validated in every detail and declared a political subdivision of the State of North Carolina as authorized by said chapter under the name of Pitt County Drainage District Number Five, with boundaries as follows:

Boundaries.

Beginning at a point where Locker Swamp Canal crosses the old River Road and runs thence with the old River Road South twenty-two degrees thirty minutes East five hundred and ninety-four feet and thence South sixty-eight degrees forty-five minutes East five hundred and thirty-five feet and thence North seventy degrees fifteen minutes East seven hundred and eighty-five feet and thence North seventy-nine degrees thirty minutes East one thousand seven hundred and ninety-five feet and thence North seventy degrees fifteen minutes East nine hundred and ninety-seven feet and thence North fifty degrees forty-five minutes East six hundred and twenty-seven feet and thence North four degrees West five hundred and thirty-five feet and thence North twenty-seven degrees West five hundred and forty-one feet and thence North two degrees forty-five minutes East three hundred and fifty-six feet and thence North twenty-seven degrees thirty minutes East four hundred and ninety-five feet and thence North sixty degrees thirty minutes East one thousand three hundred and eighty-six feet and thence North thirty-seven degrees East five hundred and fifty-three feet and thence North sixty-six degrees East three hundred and fifty feet and thence South sixty-eight degrees forty-five minutes East nine hundred and eighty-three feet and thence North thirty-two degrees forty-five minutes East seven hundred and fifty-two feet and thence North thirteen degrees forty-five minutes East one thousand six hundred and seventeen feet and thence North thirty-nine degrees thirty minutes East five hundred and sixty-one feet and thence

South eighty degrees East five hundred and fifty-four feet and thence North sixty-two degrees thirty minutes East three hundred and four feet and thence North fifty-six degrees East one thousand eight hundred and eighty-eight feet and thence North forty-five degrees forty-five minutes East one thousand five hundred and thirty-one feet and thence North twenty-three degrees forty-five minutes East one thousand three hundred and seventy-three feet and thence North thirty-three degrees fifteen minutes West seven hundred and fifty-two feet and thence North seventy-three degrees thirty minutes West two thousand and six feet and thence North eighty-one degrees fifteen minutes West two thousand six hundred and seventy-three feet and thence North eighty-five degrees West one thousand eight hundred and eighty-eight feet and thence North eighty-nine degrees fifteen minutes West two thousand three hundred and sixty-three feet and thence South twenty-six degrees West one thousand six hundred and thirty feet and thence South two degrees West one thousand five hundred and eleven feet and thence South twenty-four degrees fifteen minutes West four hundred and seventy-five feet and thence South twenty-four degrees thirty minutes East nine hundred and seventeen feet and thence South twenty-eight degrees West four hundred and sixty-two feet and thence South eighty-two degrees West five hundred and eight feet and thence North forty-nine degrees fifteen minutes West seven hundred and ninety-two feet and thence South seventy-five degrees fifteen minutes West six hundred and fourteen feet and thence South one degree forty-five minutes West four hundred and eighty-two feet and thence South sixteen degrees East one thousand and forty-nine feet and thence South twenty-seven degrees thirty minutes West six hundred and ninety-three feet and thence South sixty-nine degrees thirty minutes West seven hundred and forty-six feet and thence North seventy-seven degrees thirty minutes West one thousand and seventy-six feet and thence North eighty-eight degrees thirty minutes West seven hundred and fifty-two feet and thence South eighteen degrees thirty minutes East one thousand two hundred and forty-seven feet and thence South ten degrees forty-five minutes East eight hundred and fifty-one feet and thence South nineteen degrees forty-five minutes East one thousand four hundred and twenty-five feet and thence South thirty-three degrees fifteen minutes East one hundred and seventy-two feet and thence South twenty-one degrees East one thousand one hundred and sixty-eight feet to the point of beginning, and map of which is recorded as part of said proceedings.

Validating prior proceedings of foregoing Drainage District.

SEC. 2. All and every act and duty directed and required to be done to make valid the proceedings to establish said district; to determine the number of acres therein; and notice of every kind and nature to be posted, published and given to serve said purposes, have been done, performed, given and taken, and the

same are hereby ratified, confirmed and validated, and Pitt County Drainage District Number Five is declared an improvement district existing according to the orders and judgments of said court in the said special proceedings in compliance with all requirements for the formation thereof.

Authorizing assessments and issuance of bonds.

SEC. 3. That the commissioners of said district are authorized and empowered to make assessments in accordance with the classifications of the land made in accordance with Section one hundred and fifty-six - seventy-one of the General Statutes of North Carolina of one thousand nine hundred and forty-three for the purpose of constructing and maintaining drainage canals constructed in said districts. The said commissioners are authorized and empowered to issue bonds secured by the lands in said district and for the purpose of financing the construction and maintenance of the said canals.

Constitutionality.

SEC. 4. If any part of this Act shall be held invalid, the remainder shall not be affected.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 688 CHAPTER 675

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WINTON, HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section two of Chapter sixteen of the Private Laws of one thousand nine hundred and twenty-one, Extra Session, is hereby rewritten to read as follows:

SEC. 2. That the corporate limits of the Town of Winton shall be as follows:

Extending corporate limits of Winton.

Commencing on the Chowan River at a point, the center of Main Street and running Eastwardly six hundred (600) yards; thence at a right angle Southwardly parallel with Main Street two thousand and two hundred (2,200) yards; thence at a right angle Westwardly one thousand and one hundred (1,100) yards; thence at a right angle Northwardly parallel with Main Street six hundred (600) yards to old Murfreesboro Road; thence at a right angle Eastwardly down said old Murfreesboro Road to the head of Folley Branch; thence at a right angle in a Northerly direction down the run of said Folley Branch to Chowan

River; thence at a right angle in an Easterly direction down Chowan River to point of beginning in the center of Main Street.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 689 CHAPTER 676

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF RUTHERFORD COUNTY AND THE TRUSTEES OF THE ALEXANDER SCHOOLS, INCORPORATED, TO ERECT AND OPERATE A SCHOOL BUILDING AS A JOINT ENTERPRISE.

WHEREAS, Alexander School, Incorporated, located at Union Mills, in the Northern part of the County of Rutherford, North Carolina, is a nonsectarian school, and is and has been for a number of years well conducted and doing a splendid educational work in the locality in which it is situated; and

WHEREAS, said school has several buildings which are now and have been used for a number of years for the pupils attending the public school of said community, as well as those attending the said Alexander School, Incorporated; and

WHEREAS, the main building used for said purposes was recently destroyed by fire, and it is now necessary to erect another school building and to properly equip the same in order to take care of and provide the necessary and required facilities for the school children living in the said Northern section of said county; and

WHEREAS, it is deemed expedient and proper that said school building or buildings and equipment shall be provided by Rutherford County and the said Alexander School, Incorporated, jointly in such ratio and in such manner as they may deem proper and expedient; and

WHEREAS, the arrangement herein provided for will furnish to the children of the Northern part of Rutherford County, in which said school is located, many facilities which they would not be able to secure if a separate school were to be erected and operated by the county, independent of and disconnectd from the said Alexander School, Incorporated: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Rutherford County and the Trustees of said Alexander School, Incorporated, are hereby authorized and empowered to secure a suitable building lot upon which to erect the necessary building or buildings, at or near Union Mills, North Carolina, for school purposes; and they are likewise authorized and empowered to enter into an agreement between said Board of Education and said Trustees of said Alexander School, Incorporated, for the apportionment between said county and said Alexander School, Incorporated, of the cost of the said lot and the building or buildings to be erected thereon, and the necessary equipment therefor, in such ratio and manner as they may deem proper and expedient.

Authorizing Rutherford County and Alexander School, Inc. to operate a joint school.

SEC. 2. That the cost of maintaining and operating said school shall be borne by the County of Rutherford and the Trustees of said Alexander School, Incorporated, in such manner as may be provided by agreement between said board of education and said trustees; and the same shall be under the joint management and control of the said Board of Education of Rutherford County, the local public school committeemen of said school and the Trustees of said Alexander School, Incorporated.

Costs paid jointly.

SEC. 3. That said Board of Education of Rutherford County and the trustees of said school are hereby authorized and empowered to take title jointly to the lot upon which the said building or buildings are to be erected, the same to be owned by the said county and the said Alexander School, Incorporated, jointly as tenants in common of said property.

To receive and hold property jointly.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 690 CHAPTER 677

AN ACT FIXING THE CORPORATE LIMITS OF THE TOWN OF RUTH, IN RUTHERFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Ruth in Rutherford County, North Carolina, be and the same are as follows:

Fixing corporate limits of Ruth.

Beginning at an iron pin at a point midway between the railroad tracks of the Southern Railway, at the intersection of said railway and Green Street, at the corner between the Town of Rutherfordton, North Carolina and the Town of Ruth, North Carolina; and running thence with the North edge of said Green Street, South sixty-two degrees West four hundred and fifty feet to a concrete post, marking the line between the Town of Rutherfordton and the Town of Ruth; thence with the corporate limits of the Town of Rutherfordton and parallel with the Southern Railway track, R=1819.8 D=three degrees eight minutes to concrete post; thence with the corporate limits of the Town of Rutherfordton R= one fourth mile D= four degrees two minutes nine hundred and twenty feet to a concrete post at the old road; thence with the corporate limits of the Town of Rutherfordton North twelve West two thousand and two hundred feet to a concrete post, passing a concrete post in said line where the corporate limits of the Town of Rutherfordton turn Westwardly leaving the corporate limits of the Town of Ruth; thence North seventy degrees East one thousand and forty feet to a stake in the center of the Southern Railway midway between the tracks, said point being one thousand seven hundred and fifty-eight feet from the old depot; thence South seventy-eight degrees East one thousand and five hundred feet crossing Highway Number Sixty-four - A to a concrete post four hundred feet East of highway; thence South fourteen degrees East three thousand two hundred and forty feet to a stake in center of road, nine feet East of telephone post; thence South eighty degrees West with center of road five hundred feet to an iron stake; thence North seventy degrees West with center of road five hundred feet to the beginning.

Conflicting laws repealed.

SEC. 2. That Section two of Chapter fifty-five of the Private Laws of one thousand eight hundred and ninety-three, and that Chapter one hundred and fifty-nine of the Private Laws of one thousand nine hundred and seventeen, and that Chapter fifty-three of the Public-Local Laws of one thousand nine hundred and thirty-nine be and the same are hereby amended to conform to the boundaries hereinbefore set forth for said town; and that all laws or parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 3. That this Act shall be in full force from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 699 CHAPTER 678

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY-SEVEN, SESSION LAWS ENACTED BY THE GENERAL ASSEMBLY ONE THOUSAND NINE HUNDRED AND FORTY-THREE, RELATING TO THE SALARY OF CERTAIN COUNTY OFFICIALS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section six of Chapter three hundred ninety-seven, Session Laws of one thousand nine hundred and forty-three, be amended by striking out the word "Two" in line four of said section, and inserting in lieu thereof the word "Four."

Relating to salaries of certain officials of Henderson County.

SEC. 2. The Board of Commissioners of Henderson County is hereby authorized and empowered in its discretion to increase the salary, not exceeding twenty-five per cent, of all other elective or appointive county officials, or employees, beginning the first Monday in July, one thousand nine hundred and forty-five, for a period of two years, and any such increase heretofore granted by the commissioners is approved.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 700 CHAPTER 679

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO APPOINT A VETERANS SERVICE OFFICER AND TO LEVY A SPECIAL TAX THEREFOR.

The General Assembly of North Carolina do enact:

Authorizing Henderson County to employ County Veterans Service Officer.

SECTION 1. That the Board of Commissioners of Henderson County is hereby authorized and empowered to appoint some suitable and competent person to assist members of the armed forces of the United States, their families and dependents, in applying for and securing all benefits to which they may be entitled under State and Federal laws. The person thus appointed shall be known as the Veterans Service Officer of Henderson County, and he shall give his full time to the duties of the office and shall make a special study of all laws pertaining to the benefits to which members of the armed forces may be entitled. He shall be furnished an office by the board of commissioners and necessary expense in connection therewith. His office shall remain open during the same hours as other county offices.

Duties of Service Officer.

SEC. 2. The officer thus appointed shall have authority to prepare papers and documents in connection with the application or needs of a member of the armed forces and advise such member of his rights and generally to do and perform all things necessary and requisite to obtain for such member, his family and dependents, all rights and things to which they may be entitled under the law. In event such member is disabled to travel from his place of residence in Henderson County to the office of such officer, the officer shall make sufficient visits to the member to determine his needs and the things for which he should apply, and likewise this provision shall apply to members of their families and dependents.

Services free to veterans and family.

SEC. 3. It shall be the duty of the board of commissioners to see that no member of the armed forces, his family or dependents, are put to any local expense in connection with his application for benefits in keeping with the spirit and intent of this Act, and all services rendered to such member, his family or dependents, under the provisions of this Act shall be free.

Term of office to be 4 years.

SEC. 4. The Veterans Service Officer shall be appointed to serve for a term of four years, after which time the provisions of this Act shall cease and become inoperative, unless otherwise extended by the General Assembly of North Carolina. Such officer may be removed by the board of commissioners at any time in their discretion, in which event some other competent person may be appointed. A vacancy occurring from any cause shall be filled by said board.

Prohibiting notaries from charging fees to veterans.

SEC. 5. No notary public or other officer authorized to administer oaths or take acknowledgments shall be allowed to charge for their services in connection with the assistance to be given under the provisions of this Act. And all the provisions of this Act shall apply to any member of the armed forces while in service and after his discharge.

Authorizing special tax to support foregoing services.

SEC. 6. The officer shall be paid by the board of commissioners the sum of two thousand and four hundred dollars ($2,400.00) per year in twelve monthly installments, as a salary for carrying out the duties of his office, and the board of commissioners is authorized and empowered to levy a special tax for the expense herein incurred, not exceeding three cents on each one hundred dollars valuation of property in the county, and such levy is hereby declared necessary and for a special and necessary public purpose and shall be in addition to any other tax levy, general or special, which the board of commissioners is authorized to make.

SEC. 7. That the board of commissioners shall make the appointment and levy the tax authorized as soon as in their judgment it becomes necessary in order to give the member of the armed forces, his family and dependents, the service and protec-

tion authorized herein. This service may be discontinued earlier than four years from the appointment of such officer if in the opinion of the board of commissioners it is no longer needed.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 701 CHAPTER 680

AN ACT TO PROVIDE FOR QUADRENNIAL ELECTIONS IN THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Providing for quadrennial elections in Hendersonville.

SECTION 1. That an election shall be held in the City of Hendersonville on Tuesday after the first Monday of May, one thousand nine hundred and forty-five, for the election of a mayor and two members of the board of city commissioners, each of whom shall hold the office to which he is elected for a term of four years.

Term of present Commissioners.

SEC. 2. That T. D. Clark and J. H. Reaben, who were elected commissioners of said city at the election held on Tuesday after the first Monday of May, one thousand nine hundred and forty-three, for the term of four years, shall continue as commissioners of said city for an additional two years.

SEC. 3. That on the first Tuesday after the first Monday of May, one thousand nine hundred and forty-nine, an election shall be held in said city for the election of a mayor and four commissioners, and quadrennially thereafter.

Board fills vacancies.

SEC. 4. That any vacancy or vacancies arising, either in the office of mayor or of the board of commissioners, shall be filled by the board of commissioners, and the person or persons so appointed shall hold office until the next election provided for in this Act.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 703 CHAPTER 681

AN ACT TO PROVIDE THAT THE JUDGE OF THE MECKLENBURG COUNTY RECORDER'S COURT SHALL BE APPOINTED BY THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Providing for Commissioners of Mecklenburg County to appoint judge of county recorder's court.

SECTION 1. That the term of office of the present Judge of the Mecklenburg County Recorder's Court shall expire on the first Monday in December, one thousand nine hundred and forty-six. At the meeting of the Board of County Commissioners of Mecklenburg County next preceding the first Monday in December, one thousand nine hundred and forty-six, the commissioners shall select a Judge of the Mecklenburg County Recorder's Court who shall take office on the first Monday in December, one thousand nine hundred and forty-six for a term of two years. At the meeting of the Board of County Commissioners of Mecklenburg County next preceding the first Monday in December of each even year, the commissioners shall select a Judge of the Mecklenburg County Recorder's Court who shall take office on the first Monday in December of the year in which he is selected, for a term of two years.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 717 CHAPTER 682

AN ACT TO FIX THE COMPENSATION OF MEMBERS OF THE BOARD OF EDUCATION OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of members of Board of Education of Alleghany County.

SECTION 1. That the members of the Board of Education of Alleghany County shall receive the sum of five dollars ($5.00) per day and five cents (5c) per mile for the mileage traveled in the necessary performance of their duties.

It is the intention of this Act for the county to make up the balance after applying whatever amount is received from the State Board of Education and that the amount paid by the county and the State Board of Education shall constitute the aforesaid per diem and mileage allowance.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 722 CHAPTER 683

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES OF THE COUNTY OF PENDER.

The General Assembly of North Carolina do enact:

SECTION 1. That the salary of the Sheriff of Pender County is hereby increased by the amount of seven hundred and twenty dollars ($720.00) per annum. Fixing salary of Sheriff of Pender County.

SEC. 2. That the salary of the clerk of the superior court of said county is hereby increased by the amount of two hundred and forty dollars ($240.00) per annum. Clerk of Superior Court.

SEC. 3. That the salary of the register of deeds of said county is hereby increased by the amount of two hundred and forty dollars ($240.00) per annum. Register of Deeds.

SEC. 4. That the salary of the tax collector of said county is hereby increased by the amount of two hundred and forty dollars ($240.00) per annum. Tax Collector.

SEC. 5. That the salary of the county auditor of said county is hereby increased by the amount of two hundred and forty dollars ($240.00) per annum. County Auditor.

SEC. 6. That the salary of the assistant to the register of deeds is hereby increased by the amount of seven hundred and twenty dollars ($720.00) per annum. Assistant to Register of Deeds.

SEC. 7. That the salary of the assistant to the tax collector of said county shall be one thousand and two hundred dollars ($1,200.00) per annum. Assistant to Tax Collector.

SEC. 8. That the schedule of salaries set forth in Sections one, two, three, four, five, six, and seven above shall apply to the current fiscal year as well as to subsequent years. Applies to present and subsequent years.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 738 CHAPTER 684

AN ACT TO AMEND CHAPTER FIFTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN ENTITLED "AN ACT TO PROVIDE FOR THE RAISING AND MANAGING OF PENSION FUNDS FOR THE POLICE DEPARTMENT OF THE CITY OF WILMINGTON" AS AMENDED BY CHAPTER TWO HUNDRED AND TWENTY-EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE AND CHAPTER TWO HUNDRED AND SIXTY-EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

The General Assembly of North Carolina do enact:

Relating to Pension Fund for Police Department of Wilmington.

SECTION 1. That Subsection three of Section twelve of Chapter fifty-five of the Private Laws of one thousand, nine hundred and fifteen, as amended by Chapter two hundred and twenty-eight of the Private Laws of one thousand, nine hundred and twenty-three, be amended by striking out all words of the said section after the word "follows" at the end of the first paragraph down to and including the word "retirement" in line twenty-one and substituting in lieu thereof the following:

Any police officer who has served twenty years on the police force of the City of Wilmington, shall receive as a pension one half of his salary, based upon the salary at the time of his retirement and the same shall be paid to the pensioner monthly.

A police officer who has served more than twenty years in the Wilmington Police Department shall receive, in addition to the above one half of his monthly salary, one dollar ($1.00) per month for each year's service in excess of twenty years up to and including but not exceeding fifteen years excess over and above twenty years service, such additional sum and pension to be paid monthly from date of officer's retirement.

Further amend by adding at the end of Section twelve, Subsection three, as amended, the following:

A police officer who has served more than twenty-five years in the Wilmington Police Department may retire on his own volition by serving notice on said pension board, and he shall be retired and his name placed upon said pension roll, the words "Police Officer" shall be deemed to include policewoman.

SEC. 2. Amend Chapter two hundred and sixty-eight of the Private Laws of one thousand, nine hundred and thirty-nine, by striking out in line twenty-one of Section one of the said Act after the word "the" and before the word "amount" the word "average." And, further amend by striking out in line twenty-two of Section one after the word "officer" and before the word

"retirement" the words "during the preceding six months before" and substitute in lieu thereof "at the time of his or her retirement."

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 749 CHAPTER 685

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND SEVENTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO THE JURISDICTION OF THE RECORDER'S COURT OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter seven hundred and seventy-two (772) of the Public Laws of one thousand nine hundred and forty-three (1943) be and the same is hereby amended by striking out the period at the end thereof, inserting a comma and adding "and annulments of marriages." Relating to jurisdiction of Recorder's Court of Bertie County.

SEC. 2. That this Act shall be in force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 757 CHAPTER 686

AN ACT TO FIX FEES FOR ARRESTS AND CAPTURING ILLICIT LIQUOR STILLS AND TO AUTHORIZE THE SHERIFF AND HIS DEPUTIES TO ADMINISTER OATHS IN CERTAIN INSTANCES IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the peace officers of Harnett County shall be paid the sum of seven dollars and fifty cents for the capture of each and every illicit liquor still, and they shall be paid the sum of fifteen dollars for the capture and arrest of each and every person charged with and convicted of the illegal manufacture of liquor by a court of competent jurisdiction in said county. Fixing fees for capturing stills in Harnett County.

SEC. 2. That for each and every arrest by the peace officers in Harnett County, there shall be taxed in the bill of costs the sum of two dollars for the use of the arresting officer. Fixing fee for making arrest.

Authorizing Sheriff and Deputies to administer oaths in certain cases.

SEC. 3. That the Sheriff of Harnett County and his deputies be and they hereby are authorized to administer oaths to appraisers in the allotments of homesteads under executions coming into their hands for collection; and that the several peace officers of Harnett County be and they hereby are authorized to administer to the surety or sureties upon appearance bonds the necessary, requisite and proper oath, in all cases where bail is permitted by law, on the bonds of those who may be charged with crime.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 759 CHAPTER 687

AN ACT EMPOWERING THE COMMISSIONERS OF WARREN COUNTY TO PAY OUT OF THE GENERAL FUND REMUNERATION TO DEPUTY SHERIFFS OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

Relating to compensation for deputy sheriffs in Warren County.

SECTION 1. In the event the Sheriff of Warren County deems it advisable to appoint one or more special deputies or one or more regular deputies, the board of commissioners of said county are authorized to pay to these deputies out of the general fund of Warren County such salary or per diem as the said board of commissioners in its discretion may deem just and proper for services so rendered by said deputies; *provided that,* with respect to appointment of special deputies by the Sheriff of Warren County, said appointments shall not extend beyond the ten-day period at any one time without the advice and consent of said board of commissioners; *provided further,* that with respect to appointment of regular deputies, their terms and appointment shall be fixed by the sheriff by and with the advice and consent of said board of commissioners.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 15th day of March, 1945.

H. B. 770 **CHAPTER 688**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DUPLIN COUNTY TO APPOINT A COUNTY VETERANS SERVICE OFFICER AND TO APPROPRIATE A SUM FROM THE GENERAL FUND OF THE COUNTY SUFFICIENT FOR THIS PURPOSE.

The General Assembly of North Carolina do enact:

Authorizing Duplin County to employ County Veterans Service Officer.

SECTION 1. The County Commissioners of Duplin County are hereby authorized and empowered to appoint a suitable person as county veterans service officer who shall be a veteran either of World War I or World War II. The Duplin County Veterans Service Officer shall serve for a term to be determined by the county commissioners and at a salary to be fixed by said commissioners. The County Commissioners of Duplin County are hereby authorized and empowered to appropriate from the general fund of the county an amount sufficient to carry out the purposes of this Act, including adequate office space and facilities and the necessary clerical help.

Duties of Service Officer.

SEC. 2. It shall be the duty of the Duplin County Veterans Service Officer to:

(1) Acquaint himself with the laws, Federal, State and local, enacted for the benefit of members of the armed forces, their families and dependents;

(2) Collect data and information as to facilities and services available to such persons with regard to education, health and medical care, rehabilitation, housing, employment and all other matters of similar nature;

(3) Assist veterans, their families and dependents in the presentation of proof and establishment of claims for any benefits they may have under Federal, State or local laws.

Authorizing Service Officer to exercise notarial functions.

SEC. 3. The Duplin County Veterans Service Officer shall have a seal of office and shall be authorized to take acknowledgments, administer oaths, affirmations, execute depositions and affidavits, and perform other notarial acts necessary to carry out the provisions of this Act.

To be paid from general fund of county.

SEC. 4. The County Commissioners of Duplin County are hereby authorized and empowered to cooperate with the State of North Carolina in any program adopted by the State for the welfare of returning veterans of the present world war, and the said board of county commissioners may appropriate from the general fund of the county any funds necessary for participation in said program.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 779 CHAPTER 689

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-SEVEN OF THE PRIVATE LAWS OF NORTH CAROLINA WITH RESPECT TO THE APPOINTMENT OF TRUSTEES FOR THE ROCKDALE PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section five of Chapter three hundred and forty-seven of the Private Laws of one thousand nine hundred and thirteen is hereby amended by adding at the end of said Section five the following:

Amending law relating to appointment of Trustees for Rockdale Public School District.

On or before July first, one thousand nine hundred and forty-five the County Board of Education of Scotland County shall appoint two additional members to the Board of Trustees for the Rockdale Public School District, said additional members to be appointed and to serve in the same manner as the present members of the board of trustees; and hereafter such board of trustees shall consist of five members.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 780 CHAPTER 690

AN ACT PLACING CERTAIN OFFICIALS OF JONES COUNTY ON SALARY BASIS.

The General Assembly of North Carolina do enact:

Repealing certain Acts of 1941 and 1943 Sessions.

SECTION 1. That Chapter three hundred and eighteen of the Public-Local and Private Laws of the Session of one thousand nine hundred and forty-one and Chapter three hundred and six of the Session Laws of one thousand nine hundred and forty-three are hereby repealed.

Placing certain officials of Jones County on salary basis.

SEC. 2. That from and after the first day of July, one thousand nine hundred and forty-five the Clerk of the Superior Court of Jones County, the County Attorney, the Register of Deeds, the County Accountant, the Tax Supervisor, and the Tax Collector of Jones County shall be paid an annual salary in lieu of all other compensation, fees and emoluments of the said offices above enumerated, the amount of said salary to be fixed by the Board of Commissioners of Jones County in their discretion, and said salaries to be paid out of the General Fund of Jones County in twelve equal monthly installments.

Fees to go into county general fund.

SEC. 3. That from and after the salaries are fixed and become effective for the above officials, all fees, fines, forfeitures, bounties, commissions and all other fees and emoluments collected by the said officials or their deputies and assitants shall be paid over to the County Commissioners of Jones County to be applied to the general fund of said county on the first Monday in each and every month following their collection.

Sheriff.

SEC. 4. That from and after the first day of July, one thousand nine hundred and forty-five the Sheriff of Jones County shall be paid an annual salary to be fixed by the Board of Commissioners of Jones County in their discretion in addition to all fees now allowed by law for the service of process and other papers directed to him for such service as well as all other fees which he is legally entitled to by virtue of his office, said salary to be paid in twelve equal annual installments by the Board of County Commissioners of Jones County out of the general fund of said county. In addition to the above salary, the said sheriff shall be paid an additional annual sum to be fixed by said board in their discretion to cover the expense of the salary of a deputy sheriff, which said sum shall be paid to him in twelve equal monthly installments out of the general fund of said county.

Special law enforcement payment.

SEC. 5. The Sheriff of Jones County shall be paid an additional amount not to exceed two hundred and fifty ($250.00) dollars annually to be used by him for law enforcement in Jones County, said sum to be paid out of the general fund of said county in the discretion of the Board of Commissioners of Jones County.

Travel and other expense of Sheriff.

SEC. 6. In addition to the above, the Sheriff of Jones County shall be paid an annual amount of six hundred ($600.00) dollars for travel and mileage expense incident to his office, payable in twelve equal monthly installments out of the general fund of said county.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 8. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 15th day of March, 1945.

H. B. 792 CHAPTER 691

AN ACT TO REQUIRE THE CLERK OF THE SUPERIOR COURT TO FURNISH TO NEWSPAPERS HAVING A GENERAL CIRCULATION IN CURRITUCK COUNTY COPIES OF REPORTS OF THE GRAND JURY.

The General Assembly of North Carolina do enact:

Requiring Clerk of Court in Currituck to furnish to newspaper copies of grand jury reports.

SECTION 1. The Clerk of the Superior Court of Currituck County is hereby authorized and directed to furnish to the two newspapers published in Pasquotank County but having a general circulation in Currituck County certified copies of reports of the grand juries made at the several terms of the superior court and such certified reports shall be furnished without cost to said newspapers.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 793 CHAPTER 692

AN ACT TO AMEND CHAPTER SIXTY-ONE OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND FIFTEEN TO ALLOW ADDITIONAL COMPENSATION TO THE SHERIFF OF PASQUOTANK COUNTY FOR CLERICAL ASSISTANCE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section seven, Chapter sixty-one, Public-Local Laws of one thousand nine hundred and fifteen as amended, be and the same is hereby amended by adding a new paragraph at the end thereof to read as follows:

Allowing additional funds to Sheriff of Pasquotank County for clerical assistance.

That in addition thereto, the sheriff is authorized to employ an office deputy or clerical assistant whose salary shall not exceed one thousand and eight hundred dollars ($1,800.00) per annum, payable in equal monthly installments, the amount of such salary to be fixed and paid by the board of county commissioners.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 800 CHAPTER 693

AN ACT TO FIX THE SALARY OF THE ASSISTANT CLERK OF THE SUPERIOR COURT OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That, effective as of January first, one thousand nine hundred and forty-five, the salary of the Assistant Clerk of the Superior Court of Haywood County be, and it is hereby, fixed at the sum of one hundred and thirty dollars ($130.00) per month. Said salary shall be paid by Haywood County from the general fund of said county. Fixing salary of Assistant Clerk of Superior Court of Haywood County.

SEC. 2. That Chapter four hundred and fifty-five of the Session Laws of one thousand nine hundred and forty-three be, and the same is hereby, repealed. Repealing certain 1943 Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect as of January first, one thousand nine hundred and forty-five. Effective January 1, 1945.

Ratified this the 15th day of March, 1945.

H. B. 805 CHAPTER 694

AN ACT RELATING TO PRICES OR COMMISSIONS TO BE CHARGED UPON ADVANCES FOR AGRICULTURAL PURPOSES AND MAKING THE SAME APPLICABLE TO LENOIR COUNTY BY REPEALING CHAPTER TWO HUNDRED AND SIXTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter two hundred sixty-two of the Public Laws of one thousand nine hundred and twenty-nine is hereby in all respects repealed and Sections forty-four - fifty-four, forty-four - fifty- five, forty-four - fifty-six, forty-four - fifty-seven, forty-four - fifty-eight, and forty-four - fifty-nine of the General Statutes are hereby made fully applicable to Lenoir County. Relating to prices for agricultural advances in Lenoir County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 823 CHAPTER 695

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF YADKIN COUNTY TO EXCHANGE CERTAIN REAL PROPERTY FOR OTHER REAL PROPERTY ADJOINING THE YADKINVILLE SCHOOL DISTRICT.

WHEREAS, the acquisition of a piece of real property containing one and one half (1½) acres, more or less, adjoining the Yadkinville school lot on the North in the Town of Yadkinville would provide a more desirable space for playground purposes and future improvements; and

WHEREAS, the owners of said real property are willing to exchange said property for a piece of land containing one and one half (1½) acres, more or less, on the back of the Yadkinville school lot; and

WHEREAS, such exchange of property would inure to the benefit of the Yadkinville school: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing Yadkin County to exchange certain real estate for other real property.

SECTION 1. That the Board of Education of Yadkin County is hereby authorized to convey to H. D. and Minnie Hinshaw that portion of the Yadkinville School District property located on the North and West sides of the school vocational agricultural shop building, containing one and one half (1½) acres, more or less, and to receive in exchange therefor from H. D. and Minnie Hinshaw certain real property adjoining the lands of the Yadkinville School District on the North side and touching the highway and containing one and one half (1½) acres, more or less.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 840 CHAPTER 696

AN ACT TO AMEND SECTION SEVEN - SEVENTY OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO TERMS OF COURT OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to terms of court in Watauga County.

SECTION 1. Amend Section seven - seventy of the General Statutes of North Carolina by rewriting that portion, or paragraph, on Page four hundred and seventy-six of Volume I of the General Statutes of North Carolina, relating to terms of court of Watauga County so that said portion, or paragraph, shall hereafter read as follows:

Watauga—Seventh Monday after the first Monday in March, to continue for two weeks; second Monday after first Monday in September, to continue for two weeks, for the trial of civil and criminal cases; fourteenth Monday after first Monday in March, to continue for a term of two weeks, for the trial of civil cases only.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

H. B. 850 CHAPTER 697

AN ACT TO GRANT ADDITIONAL POWERS TO THE DEPUTY CLERKS OF THE SUPERIOR COURT OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Granting additional powers to Deputy Clerks of Superior Court of Durham County.

SECTION 1. That in addition to the powers and authority now conferred upon them, the Deputy Clerks of the Superior Court of Durham County shall have and possess the following powers:

1. To issue subpoenas to compel the attendance of witnesses or the production of papers material to any inquiry pending in the court;

2. To administer oaths to notaries public, administrators, guardians and trustees;

3. To administer oaths to witnesses in proceedings to probate wills;

4. To certify or exemplify, under the seal of the superior court, all transcripts, judgments, papers or proceedings therein, certify to the certificates of notaries public, and such certification shall have the same force and effect as if done by the clerk of the superior court.

Applies only to Durham County.

SEC. 2. That this Act shall apply only to Durham County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. B. 46 CHAPTER 698

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PRE-CONDITIONING CENTER FOR THE ADULT BLIND.

WHEREAS, blindness is the most serious of all physical handicaps; and

WHEREAS, more than sixty-five per cent of blindness occurs in adult life, often resulting in costly enforced idleness which is detrimental to the individual, the community, and the State; and

WHEREAS, there are no State facilities to take care of the pre-conditioning, pre-vocational, and manual training of the adult blind; and

WHEREAS, certain interested civic groups and individuals realizing the immediate necessity for such facilities have voiced a desire to contribute matching funds for the establishment of such a pre-conditioning center for the North Carolina adult blind; and

WHEREAS, without State authorization and participation these funds will not be made available: Now, therefore,

The General Assembly of North Carolina do enact:

Granting certain additional functions & powers to State Commission for the Blind.

SECTION 1. That in addition to other powers and duties granted it by law, the North Carolina State Commission for the Blind is hereby authorized and directed to establish and operate a pre-conditioning center for the blind for the purpose of assisting them in their mental, emotional, physical, and economic adjustments to blindness through the application of proper tests, measurements, and intensive training in order that they may develop manual dexterity, obstacle and direction awareness, acceptable

work habits, and maximum skills in industrial and commercial processes.

The commission shall make all rules and regulations necessary for this purpose and is hereby authorized to enter into any agreement or contract, to purchase or lease property both real and personal, to accept grants and gifts of whatsoever nature, and to do all other things necessary to carry out the intent and purpose of such a pre-conditioning center.

Cooperation with Federal Government.

SEC. 1½. The State Commission for the Blind is hereby authorized to receive grants in aid from the Federal government for carrying out the provisions of this Act, as well as for other related rehabilitation programs for the North Carolina Blind, under the provisions of the Act of Congress known as the Barden-Rehabilitation Act (Volume fifty-seven, United States Statutes at Large, Chapter one hundred and ninety). Blind persons, who have been a resident of North Carolina for one year immediately preceding the date of application for rehabilitation services or who show an established intent to reside continuously in this State, may enjoy the benefits of this Act, or any other related rehabilitation benefits under the said Barden-Rehabilitation Act.

Appropriating $15,000.00.

SEC. 2. That in addition to any appropriations heretofore or hereafter made to the North Carolina State Commission for the Blind, there is hereby appropriated to said North Carolina State Commission for the Blind from the general funds of the State the sum of fifteen thousand dollars ($15,000.00) for the purpose of establishing a pre-conditioning center for the adult blind.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

S. B. 121 **CHAPTER 699**

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWELVE OF THE GENERAL STATUTES OF NORTH CAROLINA ENTITLED, CONFEDERATE HOMES AND PENSIONS.

The General Assembly of North Carolina do enact:

Increasing Confederate Pensions.

SECTION 1. That Section one hundred and twelve - eighteen of Chapter one hundred and twelve of the General Statutes of North Carolina be amended by striking out the words, "three hundred and sixty-five dollars ($365.00)," after the comma in

line three of Paragraph two and inserting in lieu thereof the words, "eight hundred and sixty-four dollars ($864.00)."

Repealing Section 112 - 17.

SEC. 2. That Section one hundred and twelve - seventeen of Chapter one hundred and twelve of the General Statutes of North Carolina is hereby repealed.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after December thirty-first, one thousand nine hundred and forty-four.

Ratified this the 17th day of March, 1945.

S. B. 146 CHAPTER 700

AN ACT TO AMEND GENERAL STATUTES FORTY-TWO - TWENTY-THREE, RELATING TO TERMS OF AGRICULTURAL TENANCIES IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Amending law relating to agricultural tenancies in certain Counties.

SECTION 1. By striking out of the last line thereof the word "and" before the word "Yadkin" and the period after the word "Yadkin," and adding after the word "Yadkin" a comma, the words "Pitt, Greene, Lenoir, Jones, Onslow, Craven, Halifax and Eedgecombe."

This Act shall not effect any contracts entered into for the current year of one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect after ratification.

Ratified this the 17th day of March, 1945.

S. B. 189 CHAPTER 701

AN ACT TO AMEND SECTION FIFTEEN - ONE HUNDRED AND SEVENTY-NINE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO APPEALS BY THE STATE IN CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section fifteen - one hundred and seventy-nine of the General Statutes of North Carolina is hereby rewritten to read as follows:

SEC. 15-179. When State may appeal. An appeal to the supreme or superior court may be taken by the State in the following cases, and no other. Where judgment has been given for the defendant— Amending law relating to appeals by the State in criminal cases.

1. Upon a special verdict.

2. Upon a demurrer.

3. Upon a motion to quash.

4. Upon arrest of judgment.

5. Upon a motion for a new trial on the ground of newly discovered evidence, but only on questions of law.

6. Upon declaring a statute unconstitutional.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

S. B. 231 **CHAPTER 702**

AN ACT TO PREVENT WASTE, FOSTER, ENCOURAGE AND PROVIDE CONSERVATION OF CRUDE OIL AND NATURAL GAS, AND PRODUCTS THEREOF, AND PROTECT THE VESTED, COEQUAL OR CORRELATIVE RIGHTS OF OWNERS OF CRUDE OIL OR NATURAL GAS, AS DEFINED IN THIS ACT AND IN FURTHERANCE THEREOF, CREATING IN THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT A DIVISION TO BE KNOWN AS THE "PETROLEUM DIVISION"; AUTHORIZING IT TO PRESCRIBE RULES, REGULATIONS AND ORDERS; AUTHORIZING IT TO PROVIDE FOR THE SPACING OF WELLS AND TO DESIGNATE DRILLING UNITS; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT, AND OF THE RULES, REGULATIONS AND ORDERS OF THE PETROLEUM DIVISION; REPEALING ALL ACTS AND LAWS IN CONFLICT HEREWITH, AND TO PROVIDE FOR A TAX ON THE RECOVERY OF OIL AND GAS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. This Act shall be designated as Article twenty-six, Chapter one hundred and thirteen, of the General Statutes, and known as the Oil and Gas Conservation Act, and the sections Oil & Gas Conservation Act.

of this Act shall be numbered in accord with the practice followed in the General Statutes.

Declaration of Policy.

SEC. 2. Declaration of Policy: If and when there should be discovered natural oil and/or natural gas within this State as a result of prospecting therefor by the drilling of wells, and where the discovery thereof in commercial quantities has been called to the attention of the Governor and Council of State, the Governor shall thereupon, with the advice of the Council of State, proclaim and declare this law to be in full force and effect, and shall proceed with the necessary action to see that the provisions of this law are carried out.

The General Assembly, in recognition of imminent evils that can occur in the production and use and waste thereof in the absence of coequal or correlative rights of owners of crude oil or natural gas in a common source of supply to produce and use the same, this law is enacted for the protection of public and private interests against such evils by prohibiting waste and compelling ratable production.

Creation of Petroleum Division in Department of Conservation & Development.

SEC. 3. Subject to the provisions of Section two, there is hereby established in the Department of Conservation and Development a division thereof to be known as the "Petroleum Division," hereinafter in this Act called "the Division," which division shall be composed of the Director of the Department of Conservation and Development and the State Geologist as ex officio members thereof, and three members of the Board of Conservation and Development, to be designated by the Governor, the members so designated to serve on said division for a term of two years, or until their successors are designated. The successors of said members of said division shall be designated biennially by the Governor. Any vacancies of said division may be filled by the Governor. The said division shall designate one of its members, or such other person as it may select, to act as secretary thereof, unless a director of production and conservation is appointed as hereinafter provided. The members of the aforesaid Petroleum Division, other than the ex officio members thereof, shall receive the same per diem compensation for attending meetings thereof, and shall be allowed the same expenses, as are allowed to members of the Board of Conservation and Development at meetings thereof.

Quorum.

SEC. 4. A majority of said division shall constitute a quorum, and three affirmative votes shall be necessary for adoption or promulgation of any rules, regulations or orders.

Power to administer oaths.

SEC. 5. Any member of the division, or the secretary thereof, shall have power to administer oaths to any witness in any hearing, investigation or proceeding contemplated by this Act or by any other law of this State relating to the conservation of oil or gas.

SEC. 6. The division may with the approval of the Governor appoint one Director of Production and Conservation at a salary to be fixed by the Governor, and such other assistants, petroleum and natural gas engineers, bookkeepers, auditors, gaugers and stenographers, and other employees as may be necessary properly to administer and enforce the provisions of this Act. Director of Production and Conservation.

The Director of Production and Conservation, when appointed, shall be ex officio secretary of the division, and shall keep all minutes and records of said division and, in addition thereto, shall collect and remit to the State Treasurer all moneys collected. He shall, as such secretary, give bond in such sum as the division may direct with corporate surety to be approved by the division, conditioned that he will well and truly account for all funds coming into his hands as such secretary. Duties of Secretary of Division.

The Attorney General shall furnish the required legal services and shall be given such additional assistants as he may deem to be necessary therefor. Attorney General to furnish legal services.

SEC. 7. All common sources of supply of crude oil discovered after January first, one thousand nine hundred and forty-five, if so found necessary by the division, shall have the production of oil therefrom controlled or regulated in accordance with the provisions of this Act, and the division is hereby authorized to assess from time to time against each barrel of oil produced and saved a tax not to exceed five (5) mills on each barrel. All moneys so collected shall be used solely to pay the expenses and other costs in connection with the administration of this law. Crude oil.

All common sources of supply of natural gas discovered after January first, one thousand nine hundred and forty-five, if so found necessary by the division, shall have the production of gas therefrom controlled or regulated in accordance with the provisions of this Act, and the division is hereby authorized to assess from time to time against such thousand cubic feet of gas produced and saved from a gas well a tax not to exceed one half (½) mill on each one thousand cubic feet of gas. All moneys so collected shall be used solely to pay the expenses and other costs in connection with the administration of this law. Gas.

SEC. 8. Any person purchasing oil or gas in this State at the well, under any contract or agreement requiring payment for such production to the respective owners thereof, in respect of which production any sums assessed under the provisions of Section seven of this Act are payable to the division, is hereby authorized, empowered and required to deduct from any sums so payable to any such person the amount due the division by virtue of any such assessment and remit that sum to the division. Collection of assessments.

Further, any person taking oil or gas from any well in this State for use or resale, in respect of which production any sums

assessed under the provisions of Section seven of this Act are payable to the division, shall remit any sums so due to the division in accordance with those rules and regulations of the division which may be adopted in regard thereto.

Definitions.

SEC. 9. Unless the context otherwise requires, the words defined in this section shall have the following meaning when found in this Act:

Division.

(A) "Division" shall mean the "Petroleum Division," as created by this Act.

Person.

(B) "Person" shall mean any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind.

Oil.

(C) "Oil" shall mean crude petroleum oil, and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas after it leaves the reservoir.

Gas.

(D) "Gas" shall mean all natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in Subsection "C" above.

Pool.

(E) "Pool" shall mean an underground reservoir containing a common accumulation of crude petroleum oil or natural gas or both. Each zone of a general structure which is completely separated from any other zone in the structure is covered by the term "pool" as used herein.

Field.

(F) "Field" shall mean the general area which is underlaid or appears to be underlaid by at least one pool; and "field" shall include the undergraund reservoir or reservoirs containing crude petroleum oil or natural gas, or both. The words "field" and "pool" mean the same thing when only one underground reservoir is involved; however, "field," unlike "pool," may relate to two or more pools.

Owner.

(G) "Owner" shall mean the person who has the right to drill into and to produce from any pool, and to appropriate the production either for himself or for himself and others.

Producer.

(H) "Producer" shall mean the owner of a well or wells capable of producing oil or gas, or both.

Waste.

(I) "Waste" in addition to its ordinary meaning, shall mean "physical waste" as that term is generally understood in the oil and gas industry. It shall include:

Improper dissipation.

(1) The inefficient, excessive or improper use or dissipation of reservoir energy; and the locating, spacing, drilling, equipping, operating or producing of any oil or gas well or wells in

a manner which results, or tends to result, in reducing inefficiently the quantity of oil or gas ultimately to be recovered from any pool in this State.

(2) The inefficient storing of oil, and the locating, spacing, drilling, equipping, operating or producing of any oil or gas well or wells in a manner causing, or tending to cause, unnecessary or excessive surface loss or destruction of oil or gas. Inefficient storing.

(3) Abuse of the correlative rights and opportunities of each owner of oil and gas in a common reservoir due to nonuniform, disproportionate, and unratable withdrawals causing undue drainage between tracts of land. Abuse of correlative rights.

(4) Producing oil or gas in such manner as to cause unnecessary water channeling or coning.

(5) The operation of any oil well or wells with an inefficient gas-oil ratio.

(6) The drowning with water of any stratum or part thereof capable of producing oil or gas.

(7) Underground waste however caused and whether or not defined.

(8) The creation of unnecessary fire hazards.

(9) The escape into the open air, from a well producing both oil and gas, of gas in excess of the amount which is necessary in the efficient drilling or operation of the well.

(10) Permitting gas produced from a gas well to escape into the air.

(J) "Product" means any commodity made from oil or gas, and shall include refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casing-head gasoline, natural gas gasoline, naptha, distillate, gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or by-products derived from oil or gas, and blends or mixtures of two or more liquid products or by-products derived from oil or gas, whether hereinabove enumerated or not. Product.

(K) "Illegal oil" shall mean oil which has been produced within the State of North Carolina from any well during any time that that well has produced in excess of the amount allowed by rule, regulation or order of the division, as distinguished from oil produced within the State of North Carolina from a well not producing in excess of the amount so allowed, which is "legal oil." Illegal oil.

Illegal gas.

(L) "Illegal gas" shall mean gas which has been produced within the State of North Carolina from any well during any time that well has produced in excess of the amount allowed by any rule, regulation or order of the division, as distinguished from gas produced within the State of North Carolina from a well not producing in excess of the amount so allowed, which is "legal gas."

Illegal product.

(M) "Illegal product" shall mean any product of oil or gas, any part of which was processed or derived, in whole or in part, from illegal oil or illegal gas or from any product thereof, as distinguished from "legal product," which is a product processed or derived to no extent from illegal oil or illegal gas.

Tender.

(N) "Tender" shall mean a permit or certificate of clearance for the transportation of oil, gas or products, approved and issued or registered under the authority of the division.

Prohibiting waste.

SEC. 10. Waste of oil or gas as defined in this Act is hereby prohibited.

Jurisdiction of Division.

SEC. 11. The division shall have jurisdiction and authority of and over all persons and property necessary to administer and enforce effectively the provisions of this Act and all other Acts relating to the conservation of oil and gas.

Powers.

The division shall have the authority and it shall be its duty to make such inquiries as it may think proper to determine whether or not waste over which it has jurisdiction exists or is imminent. In the exercise of such power the division shall have the authority to collect data; to make investigations and inspections; to examine properties, leases, papers, books and records; to examine, check, test and gauge oil and gas wells, tanks, refineries, and means of transportation; to hold hearings; and to provide for the keeping of records and the making of reports; and to take such action as may be reasonably necessary to enforce this Act.

Power to make regulations.

The division shall have authority to make, after hearing and notice as hereinafter provided, such reasonable rules, regulations and orders as may be necessary from time to time in the proper administration and enforcement of this Act, including rules, regulations or orders for the following purposes:

Regulating drilling, etc.

A. To require the drilling, casing and plugging of wells to be done in such manner as to prevent the escape of oil or gas out of one stratum to another; to prevent the intrusion of water into an oil or gas stratum from a separate stratum; to prevent the pollution of fresh water supplies by oil, gas or salt water; and to require reasonable bond conditioned for the performance of the duty to plug each dry or abandoned well.

B. To require directional surveys upon application of any owner who has reason to believe that a well or wells of others has or have been drilled into the lands owned by him or held by him under lease. In the event such surveys are required, the costs thereof shall be borne by the owners making the request. Requiring directional drilling.

C. To require the making of reports showing the location of oil and gas wells, and the filing of logs and drilling records. Reporting locations.

D. To prevent the drowning by water of any stratum or part thereof capable of producing oil or gas in paying quantities, and to prevent the premature and irregular encroachment of water which reduces, or tends to reduce, the total ultimate recovery of oil or gas from any pool. Drowning by water.

E. To require the operation of wells with efficient gas-oil ratios, and to fix such ratios. Efficient gas-oil ratios.

F. To prevent "blow-outs," "caving" and "seepage" in the sense that conditions indicated by such terms are generally understood in the oil and gas business. Blow-outs.

G. To prevent fires. Fires.

H. To identify the ownership of all oil or gas wells, producing leases, refineries, tanks, plants, structures and all storage and transportation equipment and facilities. Identifying ownership.

I. To regulate the "shooting," perforating, and chemical treatment of wells. Shooting wells.

J. To regulate secondary recovery methods, including the introduction of gas, air, water or other substances into producing formations. Secondary methods.

K. To limit and prorate the production of oil or gas, or both, from any pool or field for the prevention of waste as herein defined. Prorating gas & oil production.

L. To require, either generally or in or from particular areas, certificates of clearance or tenders in connection with the transportation of oil or gas. Clearance & tender.

M. To regulate the spacing of wells and to establish drilling units. Spacing of wells.

N. To prevent, so far as is practicable, reasonably avoidable drainage from each developed unit which is not equalized by counter-drainage. Preventing drainage.

O. To prevent where necessary the use of gas for the manufacture of carbon black. Carbon block.

SEC. 12. A. Whether or not the total production from a pool be limited or prorated, no rule, regulation or order of the divi- Protecting pool owners.

sion shall be such in terms or effect (1) that it shall be necessary at any time for the producer from, or the owner of, a tract of land in the pool, in order that he may obtain such tract's just and equitable share of the production of such pool, as such share is set forth in this section, to drill and operate any well or wells on such tract in addition to such well or wells as can produce without waste such share, or (2) as to occasion net drainage from a tract unless there be drilled and operated upon such tract a well or wells in addition to such well or wells thereon as can produce without waste such tract's just and equitable share, as set forth in this section, of the production of such pool.

Drilling units in pools.

B. For the prevention of waste and to avoid the augmenting and accumulation of risks arising from the drilling of an excessive number of wells, the division shall, after a hearing, establish a drilling unit or units for each pool. The division may establish drainage units of uniform size for the entire pool or may, if the facts so justify, divide into zones any pool, establish a drainage unit for each zone, which unit may differ in size from that established in any other zone; and the division may from time to time, if the facts so justify, change the size of the unit established for the entire pool or for any zone or zones, or part thereof, establishing new zones and units if the facts justify their establishment.

Location of wells.

C. Each well permitted to be drilled upon any drilling unit shall be drilled approximately in the center thereof, with such exception as may reasonably be necessary where it is shown, after notice and upon hearing, and the division finds that the unit is partly outside the pool or, for some other reason, a well approximately in the center of the unit would be nonproductive or where topographical conditions are such as to make the drilling approximately in the center of the unit unduly burdensome. Whenever an exception is granted, the division shall take such action as will offset any advantage which the person securing the exception may have over other producers by reason of the drilling of the well as an exception, and so that drainage from developed units to the tract with respect to which the exception is granted will be prevented or minimized and the producer of the well drilled as an exception will be allowed to produce no more than his just and equitable share of the oil gas in the pool, as such share is set forth in this section.

Shares in pools.

D. Subject to the reasonable requirements for prevention of waste, a producer's just and equitable share of the oil and gas in the pool (also sometimes referred to as a tract's just and equitable share) is that part of the authorized production for the pool (whether it be the total which could be produced without any restriction on the amount of production, or whether it be an amount less than that which the pool could produce if no

restriction on the amount were imposed) which is substantially in the proportion that the quantity of recoverable oil and gas in the developed area of his tract in the pool bears to the recoverable oil and gas in the total developed area of the pool, in so far as these amounts can be ascertained practically; and to that end, the rules, regulations, permits and orders of the division shall be such as will prevent or minimize reasonably avoidable net drainage from each developed unit (that is, drainage which is not equalized by counter-drainage), and will give to each producer the opportunity to use his just and equitable share of the reservoir energy.

Shares in drilling unit.

SEC. 13. A. When two or more separately owned tracts of land are embraced within an established drilling unit, the owners thereof may agree validly to integrate their interests and to develop their lands as a drilling unit. Where, however, such owners have not agreed to integrate their interests, the division shall, for the prevention of waste or to avoid the drilling of unnecessary wells, require such owners to do so and to develop their lands as a drilling unit. All orders requiring such integration shall be made after notice and hearing, and shall be upon terms and conditions that are just and reasonable, and will afford to the owner of each tract the opportunity to recover or receive his just and equitable share of the oil and gas in the pool without unnecessary expense, and will prevent or minimize reasonably avoidable drainage from each developed unit which is not equalized by counter-drainage. The portion of the production allocated to the owner of each tract included in a drilling unit formed by an integration order shall, when produced, be considered as if it had been produced from such tract by a well drilled thereon.

In the event such integration is required, and provided also that after due notice to all the owners of tracts within such drilling unit of the creation of such drilling unit, and *provided further* that the division has received no protest thereto, or request for hearing thereon, whether or not ten days have elapsed after notice has been given of the creation of the drilling unit, the operator designated by the division to develop and operate the integrated unit shall have the right to charge to each other interested owner the actual expenditures required for such purpose not in excess of what are reasonable, including a reasonable charge for supervision, and the operator shall have the right to receive the first production from the well drilled by him thereon, which otherwise would be delivered or paid to the other parties jointly interested in the drilling of the well, so that the amount due by each of them for his share of the expense of drilling, equipping, and operating the well may be paid to the operator of the well out of production, with the value of the production calculated at the market price in the field at the time such producion is received by the operator or placed to his credit. After

being reimbursed for the actual expenditures for drilling and equipping and operating expenses incurred during the drilling operations and until the operator is reimbursed, the operator shall thereafter pay to the owner of each tract within the pool his ratable share of the production calculated at the market price in the field at the time of such production less the reasonable expense of operating the well. In the event of any dispute relative to such costs, the division shall determine the proper costs.

Procedure when owners in drilling unit fail to agree.

B. Should the owners of separate tracts embraced within a drilling unit fail to agree upon the integration of the tracts and the drilling of a well on the unit, and should it be established that the division is without authority to require integration as provided for in Subdivision A of this section, then, subject to all other applicable provisions of this Act, the owner of each tract embraced within the drilling unit may drill on his tract, but the allowable production from each tract shall be such proportion of the allowable for the full drilling unit as the area of such separately owned tract bears to the full drilling unit.

Cooperative development.

C. Agreements made in the interest of conservation of oil or gas, or both, or for the prevention of wsate, between and among owners or operators, or both, owning separate holdings in the same oil or gas pool, or in any area that appears from geological or other data to be underlaid by a common accumulation of oil or gas, or both, or between and among such owners or operators, or both, and royalty owners therein, of a pool or area, or any part thereof, as a unit for establishing and carrying out a plan for the cooperative development and operation thereof, when such agreements are approved by the division, are hereby authorized and shall not be held or construed to violate any of the statutes of this State relating to trusts, monopolies, or contracts and combinations in restraining of trade.

Variation of vertical.

D. Whenever the division fixes the location of any well or wells on the surface, the point at which the maximum penetration of such wells into the producing formation is reached shall not unreasonably vary from the verticle drawn from the center of the hole at the surface, *provided*, that the division shall prescribe rules, regulations and orders governing the reasonableness of such variation.

Limitations on production.

SEC. 14. A. Whenever the total amount of oil, including condensate, which all the pools in the State can produce, exceeds the amount reasonably required to meet the reasonable market demand for oil, including condensate, produced in this State, then the division shall limit the total amount of oil, including condensate, which may be produced in the State by fixing an amount which shall be designated "allowable" for this State, which will not exceed the reasonable market demand for oil, including con-

densate, produced in this State. The division shall then allocate or distribute the "allowable" for the State among the pools on a reasonable basis and in such manner as to avoid undue discrimination, and so that waste will be prevented. In allocating the "allowable" for the State, and in fixing "allowables" for pools producing oil or hydrocarbons forming condensate, or both oil and such hydrocarbons, the division shall take into account the producing conditions and other relevant facts with respect to such pools, including the separate needs for oil, gas and condensate, and shall formulate rules setting forth standards or a program for the distribution of the "allowable" for the State, and shall distribute the "allowable" for the State in accordance with such standards or program, and where conditions in one pool or area are substantially similar to those in another pool or area, then the same standards or progam shall be applied to such pools and areas so that as far as practicable a uniform program will be followed; *provided, however*, the division shall permit the production of a sufficient amount of natural gas from any pool to supply adequately the reasonable market demand for such gas for light and fuel purposes if such production can be obtained without waste, and the condensate "allowable" for such pool shall not be less than the total amount of condensate produced or obtained in connection with the production of the gas "allowable" for light and fuel purposes, and, *provided further* that, if the amount allocated to a pool as its share of the "allowable" for the State is in excess of the amount which the pool should produce to prevent waste, then the division shall fix the "allowable" for the pool so that waste will be prevented.

Relating to allocation of allowables to pools.

B. The division shall not be required to determine the reasonable market demand applicable to any single pool except in relation to all pools producing oil of similar kind and quality and in relation to the demand applicable to the State, and in relation to the effect of limiting the production of pools in the State. In allocating "allowables" to pools, the division shall not be bound by nominations or desires of purchasers to purchase oil from particular fields or areas, and the division shall allocate the "allowable" for the State in such manner as will prevent undue discrimination against any pool or area in favor of another or others which would result from selective buying or nominating by purchasers of oil, as such term "selective buying or nominating" is understood in the oil business.

Prorating allowables.

C. Whenever the division limits the total amount of oil or gas which may be produced in any pool in this State to an amount less than that which the pool could produce if no restrictions were imposed (which limitation may be imposed either incidental to, or without, a limitation of the total amount of oil or gas which may be produced in the State), the division shall prorate or distribute the "allowable" production among the producers in the

pool on a reasonable basis, and so that each producer will have the opportunity to produce or receive his just and equitable share, as such share is set forth in Subsection I of Section nine of this Act, subject to the reasonable necessities for the prevention of waste.

Limitation.

D. Whenever the total amount of gas which can be produced from any pool in this State exceeds the amount of gas reasonably required to meet the reasonable market demand therefrom, the division shall limit the total amount of gas which may be produced from such pool. The division shall then allocate or distribute the allowable production among the developed areas in the pool on a reasonable basis, so that such producer will have the opportunity to produce his just and equitable share, as such share is set forth in Subsection one of Section nine of this Act, whether the restriction for the pool as a whole is accomplished by order or by the automatic operation of the prohibitory provisions of this Act. As far as applicable, the provisions of Subsection A of this Section fourteen shall be followed in allocating any "allowable" of gas for the State.

Allowables must be respected.

E. After the effective date of any rule, regulation, or order of the division fixing the "allowable" production of oil or gas, or both, or condensate, no person shall produce from any well, lease, or property more than the "allowable" production which is fixed, nor shall such amount be produced in a different manner than that which may be authorized.

Notice and payment of fee to Division before drilling a well.

SEC. 15. Before any well, in search of oil or gas, shall be drilled, the person desiring to drill the same shall notify the division upon such form as it may prescribe and shall pay a fee of fifty dollars ($50.00) for each well. The drilling of any well is hereby prohibited until such notice is given and such fee has been paid and permit granted.

Each abandoned well and each dry hole promptly shall be plugged in the manner and within the time required by regulations to be prescribed by the division, and the owner of such well shall give notice, upon such form as the division may prescribe, of the abandonment of each dry hole and of the owner's intention to abandon, and shall pay a fee of fifteen dollars ($15.00). No well shall be abandoned until such notice has been given and such fee has been paid.

Must not permit a well to go wild.

SEC. 16. In order to protect further the natural gas fields and oil fields in this State, it is hereby declared to be unlawful for any person to permit negligently any gas or oil well to go wild or to get out of control. The owner of any such well shall, after twenty-four (24) hours' written notice by the division given to him or to the person in possession of such well, make reasonable effort to control such well.

In the event of the failure of the owner of such well within twenty-four (24) hours after service of the notice above provided for, to control the same, if such can be done within the period, or to begin in good faith upon service of such notice, operations to control such well, or upon failure to prosecute diligently such operations, then the division shall have the right to take charge of the work of controlling such well, and it shall have the right to proceed, through its own agents or by contract with a responsible contractor, to control the well or otherwise to prevent the escape or loss of gas or oil from such well all at the reasonable expense of the owner of the well. In order to secure to the division the payment of the reasonable cost and expense of controlling or plugging such well, the division shall retain the possession of the same and shall be entitled to receive and retain the rents, revenues and incomes therefrom until the costs and expenses incurred by the division shall be repaid. When all such costs and expenses have been repaid, the division shall restore possession of such well to the owner; *provided*, that in the event the income received by the division shall not be sufficient to reimburse the division as provided for in this section, the division shall have a lien or privilege upon all of the property of the owner of such well, except such as is exempt by law, and the division shall proceed to enforce such lien or privilege by suit brought in any court of competent jurisdiction, the same as any other civil action, and the judgment so obtained shall be executed in the same manner now provided by law for execution of judgments. Any excess over the amount due the division which the property seized and sold may bring, after payment of court costs, shall be paid over to the owner of such well.

Hearings before Division.

SEC. 17. A. The division shall prescribe its rules of order or procedure in hearings or other proceedings before it under this Act, but in all hearings the rules of evidence as established by law shall be applied; *provided, however*, that the procedure before the division shall be summary.

Notice of hearings.

B. No rule, regulation or order, including change, renewal, or extension thereof, shall, in the absence of an emergency, be made by the division under the provisions of this Act except after a public hearing upon at least seven days' notice given in such form as may be prescribed by the division. Such public hearing shall be held at such time, place, and in such manner as may be prescribed by the division, and any person having any interest in the subject matter of the hearing shall be entitled to be heard.

When emergency exists.

C. In the event an emergency is found to exist by the division which in its judgment requires the making, changing, renewal or extension of a rule, regulation or order without first having a hearing, such emergency rule, regulation or order shall have

the same validity as if a hearing with respect to the same had been held after due notice. The emergency rule, regulation or order permitted by this section shall remain in force no longer than ten days from its effective date, and, in any event, it shall expire when the rule, regulation or order made after due notice and hearing with respect to the subject matter of such emergency rule, regulation or order becomes effective.

Form of notice.

D. Should the division elect to give notice by personal service, such service may be made by any officer authorized to serve process or by any agent of the division in the same manner as is provided by law for the service of summons in civil actions in the superior courts of this State. Proof of the service by such agent shall be by the affidavit of the person making personal service.

Regulations must be in writing.

E. All rules, regulations and orders made by the division shall be in writing and shall be entered in full by the Director of Production and Conservation in a book to be kept for such purpose by the division, which book shall be a public record and be open to inspection at all times during reasonable office hours. A copy of such rule, regulation or order, certified by such Director of Production and Conservation, shall be received in evidence in all courts of this State with the same effect as the original.

Interested persons may request hearings.

F. Any interested person shall have the right to have the division call a hearing for the purpose of taking action in respect of any matter within the jurisdiction of the division by making a request therefor in writing. Upon the receipt of any such request, the division shall promptly call a hearing thereon, and, after such hearing, and with all convenient speed and in any event within thirty days after the conclusion of such hearing, shall take such action with regard to the subject matter thereof as it may deem appropriate.

Procedure and powers in hearings by Division.

SEC. 18. That in the exercise and enforcement of its jurisdiction, the said division is authorized to summon witnesses, administer oaths, make ancillary orders and require the production of records and books for the purpose of examination at any hearing or investigation conducted by it. In connection with the exercise and enforcement of its jurisdiction, the division shall also have the right and authority to certify as for contempt, to the court of any county having jurisdiction, violations by any person of any of the provisions of this article or of the rules, regulations or orders of the division, and if it be found by said court that such person has knowingly and wilfully violated same, then such person shall be punished as for contempt in the same manner and to the same extent and with like effect as if said contempt had been of an order, judgment or decree of the court to which said certification is made.

Suits by Division.

SEC. 19. That the said division shall have the right to maintain an action in any court of competent jurisdiction within this State to enforce by injunction, mandatory injunction, and any other appropriate or legal or equitable remedy, any valid rule, order or regulation made by the division or promulgated under the provisions of this article, and said court shall have the authority to make and render such judgments, orders and decrees as may be proper to enforce any such rules, orders and regulations made and promulgated by the division.

Assessing costs of hearings.

SEC. 20. That the said division is hereby authorized and directed to tax and assess against the parties involved in any hearing the costs incurred therein.

Party to hearings.

SEC. 21. That the term "party" as used in this article shall include any person, firm, corporation or association. In proceedings for review of an order or decision of said division, the division shall have all rights and privileges granted by this article to any other party to such proceedings.

Rehearings.

SEC. 22. That any party being dissatisfied with any order or decision of the said division may, within ten (10) days from the date of the service of such order or decision, apply for a rehearing in respect to any matter determined therein; the application shall be granted or denied by the division within ten (10) days from the date same shall be filed, and if the rehearing be not granted within (10) ten days, it shall be taken as denied. If a rehearing be granted, the matter shall be determined by the division within thirty (30) days after the same shall be submitted. No cause of action arising out of any order or decision of the division shall accrue in any court to any party unless such party makes application for a rehearing as herein provided. Such application shall set forth specifically the ground or grounds on which the applicant considers such order or decision to be unlawful or unreasonable. No party shall, in any court, urge or rely upon any ground not set forth in said application. An order made after a rehearing, abrogating, changing or modifying the original order or decision, shall have the same force and effect as an original order.

Court action.

Procedure for court action.

SEC. 23. That within thirty (30) days after the application for a rehearing is denied, or if the application is granted, then within thirty (30) days after the rendition of the decision on rehearing, the applicant may apply to the court of the county in which the order of the division is to become effective for a review of such order or decision; if the order of the division is to become effective in more than one county, the application for review shall be filed in the office of the clerk of the superior court of the county mentioned above, and shall specifically state the grounds for review upon which the applicant relies and shall designate the order or decision sought to be reviewed. The clerk

of the superior court shall immediately serve a certified copy thereof, by registered mail, to the Director of Production and Conservation. The director shall immediately notify all parties who appeared in the proceedings before the division by registered mail, that such application for review has been filed.

Superior Court.

SEC. 24. That the Director of Production and Conservation, upon receipt of said copy of the application for review, shall forthwith transmit to the clerk of the superior court in which the application has been filed, a certified transcript of all pleadings, applications, proceedings, orders or decisions of the division and of the evidence heard by the division on the hearings of the matter or cause; *provided*, that the parties, with the consent and approval of the division, may stipulate in writing that only certain portions of the record be transcribed. Said proceedings for review shall be for the purpose of having the lawfulness or reasonableness of the original order or decision, or the order or decision on rehearing, inquired into and determined, and the superior court hearing said cause shall have the power to vacate or set aside such order or decision on the ground that such order or decision is unlawful or unreasonable. After the said transcript shall be filed in the office of the clerk of the superior court of the county in which the application is filed, the judge of said superior court may, on his motion, or on application of any parties interested therein, make an order fixing a time for the filing of abstracts and briefs and shall fix a day for the hearing of such cause. All proceedings under this section shall have precedence in any court in which they may be pending, and the hearing of the cause shall be by the court without the intervention of a jury. An appeal shall lie to the Supreme Court of this State from orders, judgments and decisions made by the superior court. The procedure upon the trial of such proceedings in the superior court and upon appeal to the Supreme Court of this State shall be the same as in other civil actions, except as herein provided. No court of this State shall have power to set aside, modify or vacate any order or decision of the division except as herein provided.

Relating to proceedings in Superior Court.

SEC. 25. That no new or additional evidence may be introduced upon the trial of any proceedings for review under the provisions of this article, but the cause shall be heard upon the questions of fact and law presented by the evidence and exhibits introduced before the division and certified to it: *Provided*, that if it shall be shown to the satisfaction of the court that any party to said proceeding has additional material which could not, by the exercise of due diligence, have been produced at the hearing before the division, or which for some good reason it was prevented from producing at such hearing, or if upon the trial of the proceeding the court shall find that the division has erroneously refused to admit or consider material evidence of-

fered by any party at the hearing before the division, the court may, in its discretion, stay the proceedings and make an order directing the division to hear and consider such evidence. In such cases, it shall be the duty of the division immediately to hear and consider such evidence and make an order modifying, setting aside or affirming its former decision. The division after hearing and considering such additional evidence shall vacate, modify, or affirm its decision and a transcript of the additional evidence and the order or decision of the division shall be certified and forwarded to the clerk of the superior court in which such proceeding is pending and said superior court shall on the motion of any interested party, order the trial to proceed upon the transcript as supplemented, so as to enable the court to properly determine if the order or decision of the division as originally made or as modified is in any respect unlawful or unreasonable.

Effect of pendency of review or court proceedings.

SEC. 26. That the filing or pendency of the application for review provided for in this article shall not in itself stay or suspend the operation of any order or decision of the division, but, during the pendency of such proceeding the court, in its discretion, may stay or suspend, in whole or in part, the operation of the order or decision of the division. No order so staying or suspending an order or decision of the division shall be made by any court of this State otherwise than on five (5) days' notice and, after a hearing, and if a stay or suspension is allowed the order granting the same shall contain a specific finding, based upon evidence submitted to the court and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner and specifying the nature of the damage.

Stay bond.

SEC. 27. That in case the order or decision of the division is stayed or suspended, the order or judgment of the court shall not become effective until a bond shall have been executed and filed with and approved by the court, payable to the division, sufficient in amount and security to secure the prompt payment, by the party petitioning for the stay, of all damages caused by the delay in the enforcement of the order or decision of the division.

Remedies for enforcement of laws and enforcement of regulations by Division.

SEC. 28. Whenever it shall appear that any person is violating, or threatening to violate, any statute of this State with respect to the conservation of oil or gas, or both, or any provision of this Act, or any rule, regulation or order made thereunder by any act done in the operation of any well producing oil or gas, or by omitting any act required to be done thereunder, the division, through the Attorney General, may bring suit against such person in the superior court in the county in which the well in question is located, to restrain such person or persons from continuing such violation or from carrying out the threat of violation. In such suit the division may obtain injunctions, prohibitory and mandatory, including temporary restraining

orders and temporary injunctions, as the facts may warrant, including, when appropriate, an injunction restraining any person from moving or disposing of illegal oil, illegal gas or illegal product, and any or all such commodities may be ordered to be impounded or placed under the control of an agent appointed by the court if, in the judgment of the court, such action is advisable.

If any such defendant cannot be personally served with summons in that county, personal jurisdiction of that defendant in such suit may be obtained by service made on any employee or agent of that defendant working on or about the oil or gas well involved in such suit, and by the division mailing a copy of the complaint in the action to the defendant at the address of the defendant then recorded with the Director of Production and Conservation.

Each application for the drilling of a well in search of oil or gas in this State shall include the address of the residence of the applicant or each applicant, which address shall be the address of each person involved in accordance with the records of the Director of Production and Conservation, until such address is changed on the records of the division after written request.

Other remedies.

SEC. 29. Any person who, for the purpose of evading this Act, or of evading any rule, regulation, or order made thereunder, shall intentionally make or cause to be made any false entry or statement of fact in any report required to be made by this Act or by any rule, regulation, or order made hereunder; or who, for such purpose, shall make or cause to be made any false entry in any account, record, or memorandum kept by any person in connection with the provisions of this Act or of any rule, regulation or order made thereunder; or who, for such purpose, shall omit to make, or cause to be omitted, full, true and correct entries in such accounts, records, or memoranda, of all facts and transactions pertaining to the interest or activities in the petroleum industry of such person as may be required by the division under authority given in this Act or by any rule, regulation, or order made hereunder; or who, for such purpose, shall remove out of the jurisdiction of the State, or who shall mutilate, alter, or by any other means falsify, any book, record, or other paper, pertaining to the transactions regulated by this Act, or by any rule, regulation, or order made hereunder, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of competent jurisdiction, to a fine of not more than five hundred ($500.00) dollars, or imprisonment for a term of not more than six months, or to both such fine and imprisonment.

Penalties for violations.

SEC. 30. Any person who knowingly and wilfully violates any provision of this Act, or any rule, regulation, or order of the

division made hereunder, shall, in the event a penalty for such violation is not otherwise provided for herein, be subject to a penalty of not to exceed one thousand dollars ($1,000.00) a day for each and every day of such violation, and for each and every act of violation, such penalty to be recovered in a suit in the superior court of the county where the defendant resides, or in the county of the residence of any defendant if there be more than one defendant, or in the superior court of the county where the violation took place. The place of suit shall be selected by the division, and such suit, by direction of the division, shall be instituted and conducted in the name of the division by the Attorney General. The payment of any penalty as provided for herein shall not have the effect of changing illegal oil into legal oil, illegal gas into legal gas, or illegal product into legal product, nor shall such payment have the effect of authorizing the sale or purchase or acquisition, or the transportation, refining, processing, or handling in any other way, of such illegal oil, illegal gas or illegal product, but, to the contrary, penalty shall be imposed for each prohibited transaction relating to such illegal oil, illegal gas or illegal product.

Any person knowingly and wilfully aiding or abetting any other person in the violation of any statute of this State relating to the conservation of oil or gas, or the violation of any provision of this Act, or any rule, regulation, or order made thereunder, shall be subject to the same penalties as prescribed herein for the violation by such other person.

Prohibiting handling illegal oil.

SEC. 31. A. The sale, purchase or acquisition, or the transportation, refining, processing or handling in any other way of illegal oil, illegal gas or illegal product is hereby prohibited. All persons purchasing any petroleum product must first be licensed to do so by the Petroleum Division.

B. Unless and until the division provides for certificates of clearance or tenders, or some other method, so that any person may have an opportunity to determine whether any contemplated transaction of sale, purchase or acquisition, or transportation, refining, processing or handling in any other way, involves illegal oil, illegal gas or illegal product, no penalty shall be imposed for the sale, purchase or acquisition, or the transportation, refining, processing or handling in any other way of illegal oil, illegal gas or illegal product, except under circumstances hereinafter stated. Penalties shall be imposed for the commission of each transaction prohibited in this section when the person committing the same knows that illegal oil, illegal gas or illegal product is involved in such transaction, or when such person could have known or determined such fact by the exercise of reasonable diligence or from facts within his knowledge. However, regardless of lack of actual notice or knowledge, penalties

as provided in this Act shall apply to any sale, purchase or acquisition, and to the transportation, refining, processing or handling in any other way, of illegal oil, illegal gas or illegal product, where administrative provision is made for identifying the character of the commodity as to its legality. It shall likewise be a violation for which penalties shall be imposed for any person to sell, purchase or acquire, or to transport, refine, process or handle in any other way any oil, gas or any product without complying with any rule, regulation or order of the division relating thereto.

SEC. 32. Apart from, and in addition to, any other remedy or procedure which may be available to the division, or any penalty which may be sought against or imposed upon any person with respect to violations relating to illegal oil, illegal gas, or illegal product, all illegal oil, illegal gas and illegal product shall, except under such circumstances as are stated herein, be contraband and shall be seized and sold, and the proceeds applied as herein provided. Such sale shall not take place unless the court shall find, in the proceeding provided for in this paragraph, that the commodity involved is contraband. Whenever the division believes that illegal oil, illegal gas or illegal product is subject to seizure and sale, as provided herein, it shall, through the Attorney General, have issued a warrant of attachment and bring a civil action in rem for that purpose in the superior court of the county where the commodity is found, or the action may be maintained in connection with any suit or crossbill for injunction or for penalty relating to any prohibited transaction involving such illegal oil, illegal gas or illegal product. Any interested person who may show himself to be adversely affected by any such seizure and sale shall have the right to intervene in such suit to protect his rights.

The action referred to above shall be strictly in rem and shall proceed in the name of the State as plaintiff against the illegal oil, illegal gas or illegal product mentioned in the complaint, as defendant, and no bond or bonds shall be required of the plaintiff in connection therewith. Upon the filing of the complaint, the clerk of the court shall issue a summons directed to the sheriff of the county, or to such other officer or person as the court may authorize to serve process, requiring him to summon any and all persons (without undertaking to name them) who may be interested in the illegal oil, illegal gas, or illegal product mentioned in the complaint to appear and answer within thirty days after the issuance and service of such summons. The summons shall contain the style and number of the suit and a very brief statement of the nature of the cause of action. It shall be served by posting one copy thereof at the courthouse door of the county where the commodity involved in the suit is alleged to be located and by posting another copy thereof near the place where the

commodity is alleged to be located. Copy of such summons shall be posted at least five days before the return day stated therein, and the posting of such copy shall constitute constructive possession of such commodity by the State. A copy of the summons shall also be published once each week for four weeks in some newspaper published in the county where the suit is pending and having a bona fide circulation therein. No judgment shall be pronounced by any court condemning such commodity as contraband until after the lapse of five days from the last publication of said summons. Proof of service of said summons, and the manner thereof, shall be as provided by general law.

Where it appears by a verified pleading on the part of the plaintiff, or by affidavit, or affidavits, or by oral testimony, that grounds for the seizure and sale exist, the clerk, in addition to the summons or warning order, shall issue a warrant of attachment, which shall be signed by the clerk and bear the seal of the court. Such warrant of attachment shall specifically describe the illegal oil, illegal gas or illegal product, so that the same may be identified with reasonable certainty. It shall direct the sheriff to whom it is addressed to take into his custody, actual or constructive, the illegal oil, illegal gas or illegal product, described therein, and to hold the same subject to the orders of the court. Said warrant of attachment shall be executed as a writ of attachment is executed. No bond shall be required before the issuance of such warrant of attachment, and the sheriff shall be responsible upon his official bond for the proper execution thereof.

In a proper case, the court may direct the sheriff to deliver the custody of any illegal oil, illegal gas or illegal product seized by him under a warrant of attachment, to a commissioner to be appointed by the court, which commissioner shall act as the agent of the court and shall give bond with such approved surety as the court may direct, conditioned that he will faithfully conserve such illegal oil, illegal gas or illegal product, as may come into his custody and possession in accordance with the orders of the court; *provided, t*hat the court may in its discretion appoint any member of the division or any agent of the division as such commissioner of the court.

Sales of illegal oil, illegal gas or illegal product seized under the authority of this Act, and notices of such sales, shall be in accordance with the laws of this State relating to the sale and disposition of attached property; *provided, however,* that where the property is in custody of a commissioner of the court, the sale shall be held by said commissioner and not by the sheriff. For his services hereunder, such commissioner shall receive a reasonable fee to be paid out of the proceeds of the sale or sales to be fixed by the court ordering such sale.

The court may order that the commodity be sold in specified lots or portions, and at specified intervals, instead of being sold at one time. Title to the amount sold shall pass as of the date of the act which is found by the court to make the commodity contraband. The judgment shall provide for payment of the proceeds of the sale into the General Fund of the State Treasurer, after first deducting the costs in connection with the proceedings and the sale. The amount sold shall be treated as legal oil, legal gas or legal product, as the case may be, in the hands of the purchaser, but the purchaser and the commodity shall be subject to all applicable laws, and rules, regulations and orders with respect to further sale or purchase or acquisition, and with respect to the transportation, refining, processing, or handling in any other way, of the commodity purchased.

Nothing in this section shall deny or abridge any cause of action a royalty owner, or a lien holder, or any other claimant, may have, because of the forfeiture of the illegal oil, illegal gas, or illegal product, against the person whose act resulted in such forfeiture. No illegal oil, illegal gas or illegal product shall be sold for less than the average market value at the time of sale of similar products of like grade and character.

Funds for administration of this Act.

SEC. 33. If the Governor shall proclaim and declare this law to be in full force and effect prior to March first, one thousand nine hundred and forty-seven, the funds necessary for the administration of this Act shall be provided by the Governor from the Contingency and Emergency Fund.

Requiring leases to be filed in office of Register of Deeds.

SEC. 34. On December thirty-first of each year, or within ten days thereafter, every person, firm or corporation holding petroleum leases shall file in the office of the register of deeds of the county within which the land covered by such leases is located, a list showing the leases which have been renewed for the ensuing year.

Conflicting laws repealed.

SEC. 35. That all laws and clauses in conflict with this Act are hereby repealed.

SEC. 36. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

S. B. 287 CHAPTER 703

AN ACT RELATING TO BONDS OF THE TOWN OF NORWOOD FOR SANITARY SEWER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the net debt limitation of Paragraph two of Section one hundred and sixty-three hundred and eighty-three of the General Statutes of North Carolina, being a part of the Municipal Finance Act of one thousand nine hundred and twenty-one, as amended, shall not apply to the issuance of bonds of the Town of Norwood for the construction of a sanitary sewer system.

Relating to issuance of bonds by Norwood.

SEC. 2. That in computing the net debt of the Town of Norwood under the net debt limitation of said Section one hundred and sixty-three hundred and eighty-three of the General Statutes, it shall be lawful to deduct from gross debt any bonds issued for the construction of a sanitary sewer system, or such portion thereof as may be outstanding.

Bonds for sanitary sewer system.

SEC. 3. That this Act shall be in full force and effect from and after ratification.

Ratified this the 17th day of March, 1945.

S. B. 348 CHAPTER 704

AN ACT TO AMEND CHAPTER ONE HUNDRED THIRTY-SEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE POWER OF THE COMMISSIONERS OF ROBESON COUNTY TO FIX THE COMPENSATION OF CLERK OF SUPERIOR COURT AND REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section six of Chapter one hundred thirty-seven, Public-Local Laws of one thousand nine hundred forty-one be and the same is hereby amended by striking out that portion of Section six reading as follows:

Relating to salary of Clerk of Superior Court of Robeson County.

"Nor more than three hundred dollars ($300.00) per month" and inserting in lieu thereof, "Nor more than four hundred dollars ($400.00) per month."

SEC. 2. That Section seven of Chapter one hundred thirty-seven, Public-Local Laws of one thousand nine hundred forty-one be and the same is hereby amended by striking out that portion of Section seven reading as follows:

Relating to salary of Register of Deeds of Robeson County.

"Nor more than three hundred dollars ($300.00) per month" and inserting in lieu thereof, "Nor more than four hundred dollars ($400.00) per month."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

S. B. 357 CHAPTER 705

AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT OF IREDELL COUNTY TO APPOINT COMMISSIONERS OF UPPER THIRD CREEK DRAINAGE DISTRICT NUMBER ONE, IREDELL COUNTY, AND TO RATIFY CERTAIN ACTIONS OF THE COMMISSIONERS OF UPPER THIRD CREEK DRAINAGE DISTRICT NUMBER ONE.

The General Assembly of North Carolina do enact:

Appointing Commissioners for certain drainage district in Iredell County.

SECTION 1. That the Clerk of the Superior Court of Iredell County is hereby authorized and empowered to appoint T. A. Harris, R. H. Cline, and L. F. Ervin, as Commissioners of Upper Third Creek Drainage District Number One, of Iredell County.

Term of office.

SEC. 2. That the Commissioners of Upper Third Creek Drainage District Number One shall serve for a term of two years from the date of their appointment, and until their successors are duly appointed.

Reappointment.

SEC. 3. That the Clerk of the Superior Court of Iredell County is hereby authorized and empowered to reappoint the aforesaid commissioners upon the expiration of their term of office, and to reappoint the aforesaid commissioners upon the expiration of any term, and to fill any vacancy that may occur by reason of death, resignation, or otherwise for the unexpired term.

Authorizing said Commissioners to enforce collection of assessments.

SEC. 4. That the Commissioners of Upper Third Creek Drainage District Number One are hereby vested with the power and authority to proceed with the collection of delinquent assessments ,and the foreclosure of any and all liens for assessments and/or certificates of the Sheriff of Iredell County, and to do any and all other things necessary to be done in connection with said district, including the acquiring, holding, and conveying of real estate within the boundaries of said district, and to do any and all things provided for in any way or manner in connection with drainage districts by the laws of the State of North Carolina.

SEC. 5. That all foreclosure actions heretofore had by the Commissioners of Upper Third Creek Drainage District Number One, whether upon the lien for the assessments, or upon the certificate of the Sheriff of Iredell County, are hereby in all respects validated and confirmed, and all deeds, conveyances, and all other instruments executed by the commissioners of said district are hereby in all respects validated and confirmed. That all acts and things heretofore done by J. L. Harris, R. H. Cline, and L. F. Ervin, heretofore commissioners of said district, in the name of, and on behalf of said district, are hereby in all respects validated and confirmed.

Validating foreclosure actions.

SEC. 6. That this Act shall not apply to pending litigation.

Does not apply to pending litigation.

SEC. 7. That all laws, and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

S. B. 376 CHAPTER 706

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN TO INCREASE THE PER DIEM OF THE COUNTY SURVEYOR OF STOKES COUNTY FROM FIVE TO TEN DOLLARS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter three hundred eighty-eight of the Public-Local Laws of one thousand nine hundred twenty-seven is hereby amended by striking out the word "five" in line three and inserting in lieu thereof the word "ten."

Increasing per diem of County Surveyor of Stokes County to $10.00.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

S. B. 406 **CHAPTER 707**

AN ACT TO PROVIDE FOR THE "SELECTION AND ADOPTION" OF TEXTBOOKS IN THE PUBLIC SCHOOLS; TO PROVIDE FOR THE SELECTION OF A TEXTBOOK COMMISSION AND OTHER RELATED MATTERS.

The General Assembly of North Carolina do enact:

Authorizing State Board of Education to select and adopt textbooks for public schools.

SECTION 1. The State Board of Education is hereby authorized to "select and adopt" for the exclusive use in the public schools of North Carolina, textbooks and publication, instructional materials, needed for instructional purposes, in each grade and on each subject matter, in which instruction is required by law. It shall adopt for a period of not less than five years, two basal primers, or readers for each of the first three grades, and one basal book or series of books on all other subjects required to be taught in the first eight grades, and two basal books for all subjects taught in the high school: *Provided* not more than three basal books may be adopted on the subject of North Carolina History.

Continuance and discontinuance of adoptions.

SEC. 2. At the expiration of existing or future contracts, the board may, upon approval of the publisher, continue such contract in force from year to year for a period not exceeding five years. The superintendent may at any time recommend to the board that a given book is unsatisfactory for the schools whereupon the board may call for a new selection and adoption.

Procedure.

In the event a change of any textbook is required by vote of the board, the publisher shall be given ninety (90) days notice prior to the first day of May, at the expiration of which time the board is authorized to adopt a new book or books on said subject. The publisher desiring to terminate his contract which has been extended beyond the original contract period shall give notice to the board ninety (90) days prior to the first day of May. The board may then proceed to a new adoption.

SEC. 3. Standard Course of Study.

Standard Course of Study.

Upon recommendation of the superintendent the board shall adopt a standard course of study for each grade in the elementary school and in the high school. These courses of study shall set forth what subjects shall be taught in each grade, and outline the number of basal and supplementary books on each subject to be used in each grade.

SEC. 4. Appointment of Textbook Commission.

Appointment of Textbook Commission of 12 members.

The Governor and superintendent may appoint a Textbook Commission of twelve members who shall hold office for four years, or until their successors are elected and qualified. The

Governor shall fill all vacancies by appointment for the unexpired term. Seven of the members shall be outstanding teachers or principals in the elementary grades; five shall be outstanding teachers or principals in the high school grades: *Provided* one of the members may be a county or city superintendent. The commission shall elect a chairman, subject to the approval of the Governor and the State Superintendent. The members shall be paid a per diem and expenses as approved by the board.

SEC. 5. Duties of the Commission.

Evaluation of books offered for prospective adoption.

The members of the commission who are teachers or principals in the elementary grades shall evaluate all textbooks offered for adoption in the elementary grades. The members who are teachers or principals in the high schools shall evaluate all books offered for adoption in the high school grades.

Each member shall examine carefully and file a written evaluation of each book offered for adoption in the field in which the member teaches. Special consideration shall be given in the evaluation report as to the adaptability of the book to the grade for which it is offered, the content or subject matter, and other criteria prescribed by the board.

All evaluation reports shall be signed by the member making the report and filed alphabetically with the board not later than a day certain as fixed by the board when the call for adoption is made.

SEC. 6. Selection of Textbooks by the Board.

Selection by Board of Education.

At the next meeting of the board following the filing of the reports the Textbook Commission shall meet with the board and jointly they shall examine the reports. The board shall then select from the evaluated list all books which satisfy the board that such books will meet the teaching requirements of the North Carolina Public Schools in the grade or grades for which they are offered. The board shall then request sealed bids from the publishers of all books so selected.

SEC. 7. Adoption of Textbooks.

Bids by publishers.

The sealed bids of the publishers shall be opened at the next regular meeting of the board in the presence of the board. The board may then adopt one of the books offered and enter into a contract with the publisher for such adopted book. The board may refuse to adopt any of the books offered at the prices bid and call for new bids.

SEC. 8. Charge for Rentals.

Rental charges.

The board shall not charge a rental fee for books, supplies, and materials used in the public schools in excess of the actual

cost to the State of the handling and administration of such rentals.

Board regulates bidding.

SEC. 9. The board shall make all needful rules and regulations with reference to asking for bids, notifying publishers as to calls for adoption, execution and delivery of contracts, requirement of performance bonds, cancellation clauses and such other material matters as may affect the validity of the contracts. All such contracts shall be subject to the approval of the Attorney General as to its form and legality.

SEC. 10. Purpose of Act.

Purpose of Act.

It is the purpose of this Act to enable the board to secure the best textbooks obtainable within the limits of available funds for use in public schools of North Carolina; that all books offered shall be carefully considered; that records shall be kept of all books offered and an evaluation report of such books filed in a permanent record.

SEC. 11. Definition of Terms.

Defining Board & Superintendent.

As used in this Act, the word "Board" shall mean the State Board of Education. "Superintendent" shall mean the State Superintendent of Public Instruction.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this Act are hereby repealed. That Chapter six hundred and twenty-seven, Public Laws one thousand nine hundred and forty-three is repealed.

Effective April 1, 1945.

SEC. 13. That this Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-five.

Ratified this the 17th day of March, 1945.

H. B. 12 **CHAPTER 708**

AN ACT TO AMEND AND SUPPLEMENT THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, THE SAME BEING CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED AND SUPPLEMENTED, AND AS CODIFIED IN THE PUBLICATION ENTITLED "REVENUE ACT" ISSUED BY THE SECRETARY OF STATE UNDER AUTHORITY OF SECTION TEN, CHAPTER FOUR HUNDRED, SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

The General Assembly of North Carolina do enact:

TITLE AND PURPOSE OF ACT

Revenue Act of 1945.

SECTION A. The title of this Act shall be "The Act of one thousand nine hundred and forty-five (1945), amending and supplementing the Revenue Act of one thousand nine hundred and thirty-nine (1939), as amended."

Amending Revenue Act of 1939.

SEC. B. The purpose of this Act is to amend and supplement the Revenue Act of one thousand nine hundred and thirty-nine, as amended, and to raise and provide revenue for the purposes therein set forth.

That the Revenue Act of one thousand nine hundred and thirty-nine, the same being Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended and supplemented, and as codified in the publication entitled "Revenue Act" issued by the Secretary of State under authority of Section ten, Chapter four hundred, Session Laws of one thousand nine hundred and forty-three, be, and the same is hereby, amended and supplemented as hereinafter provided in this Act, that is to say:

SECTION 1. Amendments to the Inheritance Tax Article, Article I, Schedule A.

Amending Inheritance Tax Article.

SUBSECTION (a). Amend Section eleven, Subdivision (b), Subsection two, Paragraph three, by striking out the word "or" in line six of said paragraph.

SUBSECTION (b). Amend Section twenty-one and one half, line twelve, by striking out the word "Act" and inserting in lieu thereof the word "Article."

SUBSECTION (c). This section shall be effective from and after the ratification of this Act.

Amending License Tax Article.

SEC. 2. Amendments to License Tax Article, Article II, Schedule B.

SUBSECTION (a). Amend Subsection (f) of Section one hundred and five by striking out the first sentence of the last paragraph and inserting in lieu thereof the following:

Tax on athletic contests.

Provided, that athletic contests of all kinds, except high school and elementary school contests, for which an admission fee in excess of fifty cents (50c) is charged any spectator, shall pay an annual license tax of five dollars ($5.00) for each location where such charges are made, and, in addition, a tax upon the gross receipts derived from admission charges in excess of fifty cents (50c) per spectator at the rate of tax levied in Article V, Schedule E, on retail merchants. The additional tax upon gross receipts shall be levied and collected in accordance with such regulations as may be made by the Commissioner of Revenue. No tax shall be levied on admission fees for high school and elementary school contests.

SUBSECTION (b). Amend Section one hundred nine and one half by inserting the following new paragraph immediately before the last paragraph:

Fee for license for business operated in two or more towns to be determined by population of the largest town.

If any person, firm, or corporation, required to be licensed under the provisions of this section, engages in said business in two or more cities or towns, such person, firm, or corporation shall procure a license based on the population of the largest city or town in which the business taxed under this section is carried on.

SUBCETION (c). Amend Section one hundred and twenty-one, Subsection (b), by striking out the first paragraph and inserting in lieu thereof the following:

Employer of peddler to pay license instead of peddler.

Any person, firm, or corporation employing the services of another as a peddler, either on a salary or commission basis, and/or furnishing spices, flavoring extracts, toilet articles, soaps, insecticide, proprietary medicine and household remedies in original packages of the manufacturer and other packaged articles of the kind commonly used on the farm and in the home, to be sold by a peddler, under any kind of contractual agreement, shall be liable for the payment of taxes levied in this section, instead of the peddler.

SUBSECTION (d). Amend Section one hundred and twenty-one, Subsection (e), line three, by striking out the word "or" and inserting in lieu thereof the word "for."

Exemptions for veterans of World War extended to second World War.

SUBSECTION (e). Amend Section one hundred and twenty-one, Subsection (f), line five, by striking out the words "World

War" and inserting in lieu thereof the words "first and second World Wars."

SUBSECTION (f). Amend Section one hundred and twenty-four by rewriting Subsection (c) to read as follows:

(c) Counties, cities, and towns may levy any license tax on the business taxed in this section.

SUBSECTION (g). Amend Section one hundred and thirty by rewriting it so that it shall hereafter read as follows:

SEC. 130. Music Machines.

Amending law relating to licenses for music machines.

(1) Every person, firm, or corporation engaged in the business of operating, maintaining, or placing on location anywhere within the State of North Carolina, any machine or machines which plays records, or produces music, shall apply for and procure from the Commissioner of Revenue a state-wide license to be known as an annual operator's license, and shall pay for such license the sum of one hundred ($100.00) dollars.

Annual licensce to be $100.00.

$10.00 license for each machine.

(2) In addition to the above annual operator's license, every person, firm, or corporation operating any of the above machines, shall apply for and obtain from the Commissioner of Revenue, what shall be termed an annual state-wide license for each machine operated and shall pay therefor the sum of ten ($10.00) dollars.

Applicant must report serial number of each machine & license must show serial number and not usable for another machine.

(3) The applicant for license under this section shall, in making application for license, specify the serial number of the machine or machines proposed to be operated, together with a description of the service offered for sale thereby, and the amount of deposit required by or in connection with the operation of such machine or machines. The license shall carry the serial number to correspond with that on the application, and no such license shall under any condition be transferable to any other machines. It shall be the duty of the person in whose place of business the machine is operated or located to see that the proper State license is attached in a conspicuous place on the machine before its operation shall commence.

Seizure of unlicensed machines.

(4) If any person, firm, or corporation shall fail, neglect or refuse to comply with the terms and provisions of this section, or shall fail to attach the proper State license to any machine as herein provided, the Commissioner of Revenue, or his agents, or deputies, shall forthwith seize and remove such machine, and shall hold the same until the provisions of this section have been complied with. In addition to the above provision the applicant shall be further liable for the additional tax imposed under Section one hundred and ninety (190) of this Act.

Counties, cities and towns may levy tax on machines not in excess of 50 per cent of State tax but no annual operator's tax.

(5) Counties, cities and towns may levy and collect a license tax not in excess of fifty per cent (50%) of the total amount collected by the State from music machines: *Provided*, that counties, cities and towns shall not levy and collect an annual operator's occupational license levied for the operation of the above machines.

Seizure by counties, cities and towns of unlicensed machines.

(6) Counties, cities and towns levying a tax under the provisions of this Section shall have power through their tax collecting officers, upon nonpayment of the tax levied by them, or of any interest or penalty thereon, or upon failure to attach the evidence of license issued by them to any such machines, to seize, remove and hold such machines until all such defaults have been remedied.

SUBSECTION (h). Amend Article II, Schedule B, by inserting immediately after Section one hundred and thirty a new section to be designated Section one hundred thirty and one half which shall read as follows:

SEC. 130½. Merchandising Dispensers and Weighing Machines.

Annual operator's tax on merchandise dispensing and weighing machines.

(1) Every person, firm or corporation engaged in the business of operating, maintaining or placing on location anywhere within the State of North Carolina any merchandising dispenser, in which is kept any article or merchandise to be purchased, or any weighing machine shall apply for and procure from the Commissioner of Revenue a state-wide license to be known as an annual distributor's or operator's license, and shall pay for such license the following tax:

Cigarette and other tobacco dispensing machines. Distributors or operators of cigarette dispensers or dispensers of other tobacco products	$100.00
Operators of drink dispensers. Distributors or operators of drink dispensers	100.00
Other merchandise. Distributors or operators of food or other merchandising dispensers	25.00
Weighing machines. Distributors or operators of weighing machines	25.00

Tax on individual machines.

(2) In addition to the above annual distributor's or operator's license, every person, firm or corporation distributing or operating any of the above dispensers or machines shall apply for and obtain from the Commissioner of Revenue what shall be termed a state-wide license for each dispenser or machine operated, and shall pay therefor the following annual tax:

Cigarettes & other tobacco products. Cigarette dispensers or dispensers of other tobacco products	$ 5.00
Drink. Drink dispensers	15.00
Penny merchandise. One cent food or merchandising dispensers	.50
Nickel merchandise. Five-cent food or merchandising dispensers	1.00
Weighing machine. Weighing machines	2.50

Provided, that the above tax on food or merchandising dispensers shall not apply to dispensers that vend solely peanuts, neither shall the tax apply to dispensers that vend no other commodity than candy containing fifty per cent (50%) or more peanuts, nor to penny self-service dispensers or machines contributing twenty per cent (20%) of their gross revenue to work for the visually handicapped. The applicant for license under this section shall, in making application for license, specify the serial number of the dispenser, or dispensers, and of the weighing machine, or machines, proposed to be distributed or operated, together with a description of the merchandise or service offered for sale thereby, and the amount of deposit required by or in connection with the operation of such dispenser, or dispensers, and such machine, or machines. The license shall carry the serial number to correspond with that on the application, and no such license shall under any condition be transferable to any other dispensers or machines. It shall be the duty of the person in whose place of business the dispenser or machine is operated or located to see that the proper State license is attached in a conspicuous place on the dispenser or machine before its operation shall commence. *Provided*, that when application is made under this section for license to operate a machine dispensing bottled drinks or cigarettes, the applicant for such license shall pay or cause to be paid the license fee provided for under Sections one hundred and forty-four and one hundred and forty-nine of this article, as the case may be.

Exempting peanut and certain other machines.

Serial number must be furnished and inserted in license.

(3) If any person, firm, or corporation shall fail, neglect or refuse to comply with the terms and provisions of this section or shall fail to attach the proper State license to any dispenser or machine as herein provided, the Commissioner of Revenue, or his agents or deputies, shall forthwith seize and remove such dispenser or machine, and shall hold the same until the provisions of this section have been complied with. In addition to the above provision the applicant shall be further liable for the additional tax imposed under Section one hundred and ninety (190) of this Act.

Seizure of unlicensed machines.

(4) Sales of merchandise herein referred to shall be subject to the provisions of Article V, Schedule "E" of this Act, and the tax therein levied shall be paid by the distributor or operator of such dispensers or machines.

Merchandise subject to sales tax by operator.

(5) Counties, cities and towns may levy and collect a license tax not in excess of fifty per cent (50%) of the total amount collected by the State from weighing machines: *Provided*, that counties, cities and towns shall not levy and collect an annual distributor's or operator's occupational license levied for the distribution or operation of the above named dispensers and machines, neither shall any county, city or town levy and col-

License tax by counties, cities and towns.

lect any tax whatsoever from distributors and operators of soft drink dispensers and one cent and five-cent food dispensers: *Provided, further,* that counties, cities and towns shall not levy and collect any per dispenser or machine license tax from distributors or operators of cigarette dispensers, or dispensers of other tobacco products. Counties, cities and towns may levy and collect an annual distributor's or operator's occupational license on cigarette dispensers not in excess of ten ($10.00) dollars.

Seizure by counties, cities and towns of unlicensed machines.

(6) Counties, cities and towns levying a tax under the provisions of this section shall have power through their tax collecting officers, upon nonpayment of the tax levied by them, or of any interest or penalty thereon, or upon failure to attach the evidence of license issued by them to any such dispensers or machines, to seize, remove and hold such dispensers or machines until all such defaults have been remedied.

Defining dispenser.

(7) The word "dispenser" or "dispensers" as used in this section shall include any machine or mechanical device through the medium of which any of the merchandise referred to in this section is purchased, distributed or sold.

SUBSECTION (i). Amend the first proviso of Section one hundred and fifty by striking out in the fourth line of the first proviso on Page eighty-seven the word "four" and inserting in lieu thereof the word "twelve."

SUBSECTION (j). Amend Subsection (1) of Section one hundred and fifty-three by inserting after the first word of line thirteen the following words: rural sections and/or.

SUBSECTION (k). Amend Section one hundred and fifty-three by adding the following proviso to the end of Subsection (1) (a):

Motor vehicle repair shop in rural section.

Provided, that any person, firm, or corporation operating a motor vehicle repair shop or garage in rural sections shall be liable for a minimum annual tax of ten dollars ($10.00).

SUBSECTION (l). Amend Section one hundred and fifty-five by striking out in the first line of the first proviso the words "a licensed plumber" and inserting in lieu thereof the words "an individual required to be licensed under this section."

SUBSECTION (m). Amend Section one hundred and sixty-one by striking out all of Subsection (a) thereof and inserting in lieu thereof a new Subsection (a) as follows:

License tax to be paid by manufacturer or distributor of ice cream.

(a) Every person, firm, or corporation engaged in the business of manufacturing or distributing ice cream at wholesale shall apply for and obtain from the Commissioner of Revenue a State license for the privilege of doing business in this State and shall

pay for each factory or place where manufactured and/or stored for distribution the following base tax: Where the machine or the equipment unit used is of the continuous freezer type the rate of tax shall be one dollar and fifty cents ($1.50) per gallon capacity based on the rated capacity in gallons per hour according to manufacturer's rating of such freezer or freezers, but in no case shall the tax be less than ten dollars ($10.00) per annum for any freezer or freezers used; and where the machine or equipment unit used is not of the continuous freezer type the rate of tax shall be five ($5.00) dollars per gallon capacity for the freezer or freezers used; but in no case shall the tax be less than ten dollars ($10.00) per annum for any freezer or freezers used; *provided* that the Commissioner shall have the right to check the correctness or accuracy of any such manufacturer's rating herein referred to and to levy the tax herein authorized on the basis of such determined capacity; and *provided, further* that where no standard freezer equipment with manufacturer's capacity rating is used, a tax of fifty dollars ($50.00) shall apply; and *provided, further* that the license tax herein shall not apply to any farmer who manufactures and sells only the products of his own cows.

Ice cream coming by truck or automobile from another State.

Each truck, automobile or other vehicle coming into this State from another state and selling and/or delivering ice cream on which the tax has not been paid under the provisions of this section shall pay an annual license tax for the privilege of doing business in this State in the sum of one hundred dollars ($100.00) per truck, automobile or vehicle. The license secured from the State under this section shall be posted in the cab of the truck, automobile or other vehicle.

SUBSECTION (n). Amend Section one hundred and sixty-one further by striking out all of Subsection (c) and inserting in lieu thereof a new Subsection (c) as follows:

Retail dealer in ice cream.

(c) Every retail dealer selling at retail ice cream purchased from a manufacturer other than a manufacturer who has paid the tax imposed in Subsection (a) of this section or a manufacturer using counter freezer equipment and selling ice cream at retail only shall pay an annual license tax for the privilege of doing business in this State of ten dollars ($10.00).

SUBSECTION (o). Amend Section one hundred and sixty-two by striking out in line thirteen the word "purpose" and inserting in lieu thereof the word "privilege."

SUBSECTION (p). Amend Section one hundred and ninety-two by striking out in the last line thereof the figures "1945" and substituting in lieu thereof the figures "1947."

SUBSECTION (q). This section shall be effective on and after June first, one thousand nine hundred and forty-five.

Amending law relating to Franchise Tax.

SEC. 3. Amendments to the Franchise Tax Article, Article III, Schedule C.

SUBSECTION (a). Amend Section two hundred and one by rewriting the same as follows:

Corporate privilege taxes.

SEC. 201. Nature of taxes. The taxes levied in this article upon persons and partnerships are for the privilege of engaging in business or doing the act named. The taxes levied in this article upon corporations are privilege or excise taxes levied upon: (1) corporations organized under the laws of this State for the existence of the corporate rights and privileges granted by their charters, and the enjoyment, under the protection of the laws of this State, of the powers, rights, privileges and immunities derived from the State by the form of such existence; and (2) corporations not organized under the laws of this State for doing business in this State and for the benefit and protection which such corporations receive from the government and laws of this State in doing business in this State.

The term "corporation" as used in this article shall, unless the context clearly requires another interpretation, mean and include not only corporations but also associations or joint stock companies and every other form of organization for pecuniary gain, having capital stock represented by shares, whether with or without par value, and having privileges not possessed by individuals or partnerships; and whether organized under, or without, statutory authority.

Defining "doing business."

When the term "doing business" is used in this article, it shall mean and include each and every act, power or privilege exercised or enjoyed in this State, as an incident to, or by virtue of the powers and privileges acquired by the nature of such organization whether the form of existence be corporate, associate, joint stock company or common law trust.

If the corporation is organized under the laws of this State, the payment of the taxes levied by this article shall be a condition precedent to the right to continue in such form of organization; and if the corporation is not organized under the laws of this State, payment of said taxes shall be a condition precedent to the right to continue to engage in doing business in this State. The taxes levied in this article or schedule shall be for the fiscal year of the State in which said taxes become due.

SUBSECTION (b). Amend Section two hundred and two by adding at the end thereof a new subsection to be designated Subsection (g), which shall read as follows:

Franchise taxes on railroads.

(g) In determining the franchise tax of any railroad company now leasing its properties, there shall be excluded from the value of its properties all railroad properties being operated by

any lessee company upon which valuation the franchise tax is required to be paid by the operating company.

SUBSECTION (c). Amend Subsection (6) of Section two hundred and three by striking out in line eight the words "and deliver to the Commissioner of Revenue" and inserting in lieu thereof the words "shall impose a greater privilege or license tax."

SUBSECTION (d). Amend Section two hundred and ten, Subsection (2) by striking out the second paragraph of said subsection and inserting in lieu thereof the following:

Relating to parent subsidiary and affiliated corporations.

Every corporation doing business in this State which is a parent, subsidiary or affiliate of another corporation shall add to its capital stock surplus and undivided profits all indebtedness owed to or endorsed or guaranteed by a parent, subsidiary or affiliated corporation as a part of its capital used in its business and as a part of the base for franchise tax under this section. The term "indebtedness" as used in this paragraph shall include all loans, credits, goods, supplies or other capital of whatsoever nature furnished by a parent, subsidiary, or affiliated corporation. The terms "parent," "subsidiary," and "affiliate" as used in this paragraph shall have the meaning specified in Section three hundred eighteen and one half of this Act. If any part of the capital of the creditor corporation is capital borrowed from a source other than a parent, subsidiary or affiliate, the debtor corporation, which is required under this paragraph to include in its tax base the amount of debt by reason of being a parent, subsidiary, or affiliate of the said creditor corporation, may deduct from the debt thus included a proportionate part determined on the basis of the ratio of such borrowed capital as above specified of the creditor corporation to the total assets of the said creditor corporation. Further, in case the creditor corporation as above specified is also taxable under the provisions of this section, such creditor corporation shall be allowed to deduct from the total of its capital, surplus and undivided profits the amount of any debt owed to it by a parent, subsidiary or affiliated corporation to the extent that such debt has been included in the tax base of said parent, subsidiary or affiliated debtor corporation reporting for taxation under the provisions of this section.

SUBSECTION (e). Amend Section two hundred and ten, Subsection (4), by adding a new paragraph at the end thereof, such paragraph to read as follows:

In determining the total tax payable by any corporation under this section and under Section two hundred and two there shall be allowed as a credit on such tax the amount of intangibles tax paid during the preceding franchise tax year on bank deposits

under the provisions of Section seven hundred and one of this Act, except that the minimum tax herein provided shall not be less than the ten dollars ($10.00) elsewhere specified.

SUBSECTION (f). Amend Section two hundred and eleven, Subsection (1) by adding a new paragraph to the end of said subsection to real as follows:

In the case of a corporation organized or domesticated within the State within the taxable year, which shall acquire the entire assets within the State of a corporation previously operating therein which shall have paid prior to the disposal of said assets the franchise tax for the taxable year, the newly organized or domesticated corporation shall be allowed to deduct that portion of the capital stock, surplus, and undivided profits, or other alternative tax base as provided in Section two hundred and ten (4), of the prior corporation previously reported and taxed in the taxable year in determining the tax for the balance of the year upon such newly organized or domesticated corporation.

Amending Income Tax law.

SEC. 4. Amendments to the Income Tax Article, Article IV, Schedule D.

SUBSECTION (a). Amend Section three hundred and twelve by adding at the end of said section the following:

Certain railroads.

In any case when the State of North Carolina jointly with the Federal Government has made any advances or has made any loans to a nonoperating railroad in which the State of North Carolina owns more than a majority of the capital stock, which advances or loans are made for the purpose of rehabilitating the properties of such railroad and are to be repaid by the operating railroad in the form of special and additional rents, such special or additional rents so paid shall be deducted from operating revenues in determining the net taxable income of such operating railroad. This deduction shall be allowable for the taxable years beginning with the year ending December thirty-first, one thousand nine hundred and forty-four, and subsequent years.

SUBSECTION (b). Amend Section three hundred and fourteen by adding thereto the following new subdivision:

Relating to certain pension, profit sharing, stock bonus and annuity trusts.

10. Pension, profit sharing, stock bonus and annuity trusts, or combinations thereof, established by employers for the purpose of distributing both the principal and income thereof exclusively to eligible employees, or the beneficiaries of such employees, and so constituted that no part of the corpus or income may be used for, or diverted to, any purpose other than for the exclusive benefit of the employees or their beneficiaries; *provided,* there is no discrimination, as to eligibility requirements, contributions or benefits, in favor of officers, shareholders, supervisors, or highly paid employees; *provided further,* that the interest of individual employees participating therein shall be

irrevocable and nonforfeitable to the extent of any contributions made thereto by such employees; and *provided further*, the Commissioner of Revenue shall be empowered to promulgate rules and regulations regarding the qualification of such trusts for exemption under this subsection. The exemption of any trust under the provisions of the Federal income tax law shall be a prima facie basis for exemption of said trust under this paragraph. This subdivision shall be effective from and after January first, one thousand nine hundred and forty-four.

SUBSECTION (bb). Amend Section three hundred and seventeen by inserting at the end of Subdivision one the following:

Relating to recoveries of charged-off debts.

The Commissioner of Revenue is hereby authorized, in his discretion, to adopt rules and regulations providing that recoveries of bad debts or similar items which have been charged off by banks or other businesses under the regulations and supervision of a State agency, where such charge-offs were required to be made by said supervising State agency, shall be includible in gross income to the same extent as such recoveries are includible in gross income under the Federal Income Tax Laws in effect at the time of the issuance of said rules and regulations, or to adopt such other rules and regulations regarding such recoveries as may be deemed just, reasonable and proper. These rules and regulations may be made applicable to charge-offs made prior to January first, one thousand nine hundred and forty-five, but not recovered until after January first, one thousand nine hundred and forty-five.

SUBSECTION (c). Amend Section three hundred and seventeen, Subsection two, by adding a new subdivision to the end thereof to be designated as (g) and to read as follows:

Rental value of dwellings used by pastors and employees of orphanages.

(g). The rental value of any dwelling and the appurtenances thereof furnished to a minister of the gospel as a part of his compensation; also the rental value of any homes and quarters and the appurtenances thereof furnished the officers and employees of orphanages, whose duties require them to live on the premises and in buildings owned by such institutions, as a part of their compensation.

SUBSECTION (d). Amend Section three hundred and eighteen by adding thereto a new subdivision as follows:

5. In the case of trusts which qualify for exemption under Section three hundred and fourteen (10), employees or their beneficiaries shall include in their gross incomes only the amounts actually received or made available to them within the income year; *provided*, that if such employees have made contributions to such trusts, and the benefits are received as periodical payments, the amounts annually received shall be taxed as an annuity to the extent of three per cent (3%) of the amount of such

Certain benefits and trusts.

contributions, until the excess of receipts over and above the portion thus taxable as an annuity shall equal the total contributions, at which time all receipts thereafter received shall be annually taxable; *provided further,* that if such employees have made contributions to such trusts and the benefits are received in lump sum payments, only that portion of such receipts in excess of contributions shall be taxable. This subdivision shall be effective from and after January first, one thousand nine hundred and forty-four.

SUBSECTION (e). Amend Section three hundred eighteen and one half by inserting in line ten on Page one hundred and fifty, between the word "corporation" and the word "when" the following: hereby designated the parent corporation.

SUBSECTION (f). Amend Section three hundred eighteen and one half by striking out the word "section" in line twenty-six on Page one hundred and fifty and inserting in lieu thereof the word "paragraph."

SUBSECTION (g). Amend Section three hundred eighteen and one half by striking out the word "section" in line thirty-one on Page one hundred and fifty and inserting in lieu thereof the word "paragraph."

SUBSECTION (h). Amend Section three hundred eighteen and one half by striking out the following sentence in lines eight, nine and ten of Page one hundred and fifty-one: The term "subsidiary corporation" as used in this paragraph shall mean any corporation, a majority of stock in which is owned by a parent corporation.

SUBSECTION (i). Amend Subsection (6) of Section three hundred and twenty-two by striking out said subsection and inserting in lieu thereof the following:

(6) Losses of such nature as designated below:

(a) Losses of capital or property used in trade or business actually sustained during the income year except that: no deduction shall be allowed for losses arising from personal loans, endorsements or other transactions of a personal nature not entered into for profit; and losses of such character as specified in Subdivision (c) below shall be deductible only to the extent therein provided.

(b) Losses of property not connected with a trade or business sustained in the income year if arising from fire, storm, shipwreck or other casualties or theft to the extent such losses are not compensated for by insurance or otherwise.

(c) Losses incurred in the income year from the sale of corporate shares or bonds of corporations or governments owned

Commodity futures and stocks.

less than one year, or from transactions in commodity futures contracts where the transactions are of such nature that no title to actual commodities passes, provided that the amount of loss deductible in any year shall be limited to the extent of gains from similar sources in the same year. In determining the amount of loss deductible in any year any losses arising from sales or transactions as specified in this subdivision may be offset against any gains arising from any sales or transactions as specified in this subdivision. Losses incurred from trading in commodity contracts shall be deductible without respect to gains from any sources specified herein in cases where the loss claimed shall arise from hedging operations carried on in connection with an established business or in connection with market operations regularly conducted which involve the purchase and sale of tangible commodities.

(d) Losses in the nature of net economic losses sustained in either or both of the two preceding income years arising from business transactions or to capital or property as specified in (a) and (b) above subject to the following limitations:

Net economic losses.

First, the purpose in allowing the deduction of net economic loss of a prior year or years is that of granting some measure of relief to taxpayers who have incurred economic misfortune or who are otherwise materially affected by strict adherence to the annual accounting rule in the determination of taxable income, and the deduction herein specified does not authorize the carrying forward of any particular items or category of loss except to the extent that such loss or losses shall result in the impairment of the net economic situation of the taxpayer such as to result in a net economic loss as hereinafter defined.

Same.

Second, the net economic loss for any year shall mean the amount by which allowable deductions for the year other than contributions, personal exemptions, prior year losses, taxes on property held for personal use, and interest on debts incurred for personal rather than business purposes shall exceed income from all sources in the year including any income not taxable under this article of the Revenue Act.

Certain exceptions.

Third, any net economic loss of a prior year or years brought forward and claimed as a deduction in any income year may be deducted from taxable income of the year only to the extent that such carry-over loss from the prior year or years shall exceed any income not taxable under this article received in the same year in which the deduction is claimed, except that in the case of foreign corporations, and of domestic corporations or resident individuals eligible for the deduction of a part of net income under the provisions of Subsection ten of this section by reason of having net income earned and taxed in another state, only such proportionate part of the net economic loss of a prior

year or years shall be deductible from the income taxable in this State as would be determined by the ratio of net income allocable to this State as compared to all net income received both within and without the State. For such corporations and resident individuals as specified herein any income properly allocable without the State shall be disregarded in offsetting income not taxable under this article against the amount of any prior year loss to determine the amount of prior year loss deductible from taxable income in any year.

First and second succeeding years.

Fourth, a net economic loss carried forward from any year shall first be applied to, or offset by, any income taxable or nontaxable of the next succeeding year before any portion of such loss may be carried forward to a second succeeding year. If there is any income taxable or nontaxable in the first succeeding year not otherwise offset only the balance of any carry-over loss may be carried forward to a second year.

Special provisions.

Fifth, the amount of any loss arising from sales or transactions as specified in Subsection (c) above and not allowed as a deduction for the year in which such loss occurred may be carried forward for deduction in either or both of the succeeding years but only to the extent that such loss when added to other deductions permitted in the second limitation above shall result in a net economic loss as defined in the said second limitation. *Further*, any portion of such loss from sales or transactions specified in Subsection (c) above which is carried forward to one or both of the two succeeding years may be deducted from taxable income in either year only to the extent of gain not otherwise offset from similar sales or transactions in the year in which such deduction is claimed, but not to exceed such amount as would be permitted as a deduction under the other limitations above.

Sixth, no loss shall either directly or indirectly be carried forward more than two years.

SUBSECTION (j). Amend Section three hundred and twenty-two by inserting therein a new subdivision, to be numbered seven and one half, and read as follows:

Certain deductions.

7½. Amounts expended by an individual during the year for medical care and insurance against illness or accident for himself, or herself, and dependents, and for funeral expenses for dependents leaving no net estate, to the extent that the total of such expenditures not compensated for by insurance or otherwise shall exceed five per centum of net income computed without the benefit of the deduction authorized in this subdivision.

SUBSECTION (k). Amend Subsection nine of Section three hundred and twenty-two by striking out the last word and inserting in lieu thereof the word "subdivision."

SUBSECTION (l). Amend Section three hundred and twenty-two by adding the following new subsection between Subsections nine and ten:

Deductions.

9½. Amounts actually expended by an individual, other than a married woman having a separate and independent income, who is not entitled to a personal exemption of two thousand dollars ($2,000.00) under the provisions of Subsections (a), (b), (c), and (d) of Subsection one of Section three hundred and twenty-four in maintaining one or more dependent relatives in an institution for the care of mental or physical defectives irrespective of whether such dependent relatives be above or below the age of eighteen: *Provided,* that the deduction authorized in this section shall apply only to actual expenditures in excess of the amounts allowed as personal exemption for dependents under the provisions of Subdivision (e) of Subsection one of Section three hundred and twenty-four, and the maximum amount that may be deducted by an individual under the authorization herein stated shall not exceed eight hundred dollars ($800.00).

SUBSECTION (m). Amend Subsection ten of Section three hundred and twenty-two by striking out said subsection and inserting in lieu thereof the following:

10. Income earned in another state, nation, territory or possession (hereinafter referred to as "State") by resident individuals and domestic corporations to the extent hereinafter provided.

Relating to income earned in another State.

(a) Domestic corporations having an established business in another state, or investment in property in another state, may deduct the net income from such business or property if the said net income is taxed under an income tax levied by the state or states in which the business or property is located. The deduction herein authorized shall not include income received from stocks, bonds, notes, mortgages, securities, or bank or other deposits or credits, except to the extent that it may be shown that such securities or credits or the income therefrom are a part of an established business in another state and that the income therefrom has been taxed by such other state or states in connection with the established business therein. In case a deduction is claimed under the provisions herein stated for income earned and taxed in another state, the amount allocated to another state or other states and claimed as a deduction shall not exceed such an amount as would be determined to be allocable to such other state or states by the application of the same allocation ratio as is specified in Part II of Section three hundred and eleven for the allocation of the net income of a foreign corporation operating a similar type of business in this State,

unless any domestic corporation claiming the deduction of a portion of net income in excess of an amount determined by the application of said ratio shall submit sufficient evidence to prove to the satisfaction of the Commissioner of Revenue that the portion claimed as a deduction is properly allocable to another state or other states. In determining the maximum amount of net income properly allocable to another state or other states the respective allocation fraction shall apply to net income only after the subtraction of any net income from stocks, bonds, or other securities or credits excluded above from the deduction herein authorized. In all cases a domestic corporation which has an established business or investment in property in another state which does not levy an income tax shall treat any income or loss from such business or investment as though it occurred from a business or investment in North Carolina.

The provision above stated for the deduction of income that is earned and taxed in another state as net income shall be construed to include income that is earned and taxed in another state even though the tax thereon may be levied in such other states as a franchise or excise tax. The deduction of income earned and taxed in another state shall depend upon whether the tax is in fact a tax upon net income irrespective of what name may be given thereto.

No deduction if other State does not levy tax.

(b) Resident individuals having an established business or an investment in real or tangible property in another state or other states may deduct the net income from such business or property but only to the extent that such income is in fact reported for taxation in such other state or states which levies or levy a net income tax. The deduction herein authorized shall not apply to income for personal services or income from any other source than an established business or real and/or tangible property owned in another state except to the extent provided in Section three hundred and twenty-five. Resident individuals who have an established business or investment in property in another state which does not levy an income tax on the income therefrom shall treat any income or loss from such business or investment as though it occurred from a business or investment in North Carolina.

Income from certain movable personal property.

(c) The deductions authorized in this section for income earned and taxed in another state by domestic corporations and resident individuals shall not include income earned in another state from the lease or rental of movable personal property unless such property shall be regularly located in such other state in connection with an established business therein. For purposes of this section no business shall be deemed to be an established business in another state unless an office or plant at some fixed place of business is maintained in connection therewith.

SUBSECTION (n). Amend Subsection twelve of Section three hundred and twenty-two by adding to the end thereof the following sentence: In the case of taxpayers who keep their accounts and report for income tax purposes on a cash basis, items of expenditure of such nature as specified above in this subsection shall not be allowed as a deduction unless such were actually paid within the income year for which a report is made. Cash basis.

SUBSECTION (o). Amend Section three hundred and twenty-two by adding thereto the following new subsection:

13. Reasonable amounts paid by employers within the income year to trusts which qualify for exemption under Subdivision ten of Section three hundred and fourteen of this article; *provided,* that amounts which are deductible for Federal income tax purposes shall be prima facie allowable as deductions hereunder; *provided further,* that, in the case taxpayers on the accrual basis, they shall be deemed to have made payments on the last day of the year of accrual if actual payments are made within sixty days after the close of such year. This subsection shall be effective from and after January first, one thousand nine hundred and forty-four. Amounts paid to certain trusts.

SUBSECTION (p). Amend Section three hundred and twenty-four, Subsection one, Subdivision (e) by striking out the period at the end of the first sentence and adding thereto the following: or is regularly enrolled for fulltime study in a school, college, or other institution of learning.

SUBSECTION (q). Amend Section three hundred and twenty-four, Subsection one, Subdivision (f), by adding to the first paragraph the following: *Provided,* that in cases where two or more trusts have been established for the benefit of the same individual or beneficiaries the exemption allowed each of such trusts shall be such amount as would be determined by dividing one thousand dollars ($1,000.00) ratably among such trusts in proportion to the corpus of each.

SUBSECTION (r). Amend Section three hundred and twenty-four, Subsection one, by inserting a new subdivision at the end thereof to be designated Subdivision (g), which shall read as follows:

(g) In the case of a divorced person having the sole custody of a minor child or children and receiving no alimony for the support of himself, herself, child, or children two thousand dollars ($2,000.00).

SUBSECTION (s). Amend Section three hundred and twenty-six by striking out Subsection three and inserting in lieu thereof the following:

Execution of corporate returns.

3. The return of a corporation shall be signed by the president, vice president, or other principal officer, and by the treasurer or assistant treasurer. There shall be annexed to the return the affirmation of the officers signing the same, which shall be in the form prescribed in Section three hundred and twenty-nine of this article, and the same penalties prescribed in Section three hundred and twenty-nine shall apply to any person making willful misstatements in said returns.

SUBSECTION (t). Amend Section three hundred and twenty-eight, Subsection two, by striking out the last sentence thereof and inserting in lieu thereof the following:

Partnership return.

The return shall be signed by one of the partners under affirmation in the form prescribed in Section three hundred and twenty-nine of this article, and the same penalties prescribed in Section three hundred and twenty-nine shall apply in the event of a willful misstatement.

SUBSECTION (u). Except as otherwise herein provided, this section shall be effective on and after January first, one thousand nine hundred and forty-five.

Amending Schedule E.

SEC. 5. Amendments to the Sales Tax Article, Article V, Schedule E.

SUBSECTION (a). Amend Subsection eight of Section four hundred and four, Page one hundred and seventy-two, line eleven, by substituting a comma for the colon and inserting thereafter the following: "in which possession of said property passes to the bailee, borrower, lessee, or licensee".

SUBSECTION (b). Amend Section four hundred and four, Subsection (8), by striking out in the last two lines of said subsection the words "tax of three per cent is paid on the total admissions for such exhibitions" and substituting in lieu thereof the words "license tax is imposed under the provisions of Section one hundred and five of this Act."

SUBSECTION (c). Amend Section four hundred and six, Subdivision (k), Page one hundred and seventy-seven, by striking out the period and adding thereto the following: or sales of drugs or medical supplies to physicians or hospitals or by physicians and hospitals to patients in connection with medical treatments.

SUBSECTION (d). Amend Section four hundred and six of the Revenue Act by adding a new subsection, to immediately follow Subsection (r), which shall be known as Subsection "s" to read as follows:

(s) Sales of seeds, feeds for livestock and poultry, and insecticides for livestock, poultry and agriculture.

SUBSECTION (e). Amend Section four hundred and six of the Revenue Act by adding a new subsection, to immediately follow Subsection (s), which shall be known as Subsection (t) to read as follows:

(t) Sales of repair parts and accessories for motor vehicles and airplanes, and lubricants and other articles used in servicing motor vehicles and airplanes, when made to the owner and operator of fleets of as many as five or more motor vehicles or airplanes, shall be classified as wholesale sales, and therefore only subject to the wholesale rate of tax.

SUBSECTION (f). This section shall be effective from and after the ratification of this Act.

SEC. 6. Amendments to the Beverage Control Act, Article VI, Schedule F.

Amending Schedule F.

SUBSECTION (a). Amend Article VI, Schedule F, by inserting immediately after Section five hundred and six a new section to be designated Section five hundred and six (a), which shall read as follows:

SEC. 506 (a). Prohibition Against Exclusive Outlets. It shall be unlawful for any person, firm or corporation engaged in business under this article as a manufacturer, or wholesaler, or bottler of wine or malt beverages directly or indirectly or through an affiliate:

Prohibiting exclusive outlets.

1. To require, by agreement or otherwise, that any retailer engaged in the sale of wine or malt beverages, purchase any such products from such person, firm or corporation to the exclusion in whole or in part of wine or malt beverages sold or offered for sale by other persons, firms or corporations in North Carolina, if the direct effect of such requirement is to prevent, deter, hinder, or restrict other persons, firms or corporations in North Carolina from selling or offering for sale any such products to such retailer; or

2. To induce through any of the following means any retailer, engaged in the sale of wine or malt beverages, to purchase any such products from such person, firm or corporation to the exclusion in whole or in part of wine or malt beverages sold or offered for sale by other persons, firms, or corporations in North Carolina, if the direct effect of such inducement is to prevent, deter, hinder or restrict other persons, firms or corporations in North Carolina from selling or offering for sale any such products to such retailer: (1) by acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of his business; (2) by furnishing, giving free goods or deals, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, services, or other things

of value, subject to such exceptions as the Commissioner of Revenue shall by regulation prescribe, having due regard for public health, the quantity and value of articles involved, established trade customs not contrary to the public interest and the purposes of this subsection.

SUBSECTION (b). Amend Section five hundred and ten, line six, by striking out the words "or (c), or both,".

SUBSECTION (c). Amend Section five hundred and eleven as follows:

(1) By inserting in the first paragraph, line two, after the word "retail" and before the word "beverages," the words "or wholesale the."

(2) By inserting in Subsection (1½), line three, after the word "Carolina" and before the word "for," the words "and a citizen of the United States."

SUBSECTION (d). Amend Section five hundred and thirteen by inserting at the beginning of said section the following words: "Except as herein provided,".

SUBSECTION (e). Amend Section five hundred and thirteen by striking out the word "*Provided*" in line four and inserting in lieu thereof the following:

Hearing on application for renewal of certain licenses.

Provided, the governing board of any county or city which has reason to believe that any applicant for license has, during the preceding license year, committed any act or permitted any condition for which his license was, or might have been revoked under Section five hundred and fourteen or five hundred fourteen and one half, said governing board shall be authorized to hold a hearing concerning the issuance of license to said applicant at a designated time and place, of which the applicant shall be given ten days notice; at said hearing the applicant may appear, offer evidence, and be heard, and said governing body shall make findings of fact based on the evidence at said hearing and shall enter said findings in its minutes; if from said evidence the governing body shall find as a fact that during the preceding license year the applicant committed any act or permitted any condition for which his license was, or might have been, revoked under Sections five hundred and fourteen and five hundred fourteen and one half, the governing body may refuse to issue license to said applicant. *Provided further*, that the applicant may and shall have the right to appeal from an adverse decision to the superior court of said county where and when the matter shall be heard, as by law now provided for the trial of civil actions; that said notice of appeal may be given at the time of the hearing or within ten days thereafter, and said cause upon appeal shall be docketed at the next ensuing term of civil superior court in said county. *Provided, further.*

SUBSECTION (f). Amend Section five hundred fourteen and one half as follows:

(1) By striking out in the first complete paragraph on Page one hundred and ninety-nine, the word "of" after the words "Superior Court" appearing in line eight, and substituting in lieu thereof the words "or municipal or county court having jurisdiction in"; by striking out the words "the Superior Court" appearing in line ten of said paragraph and inserting in lieu thereof the words "such court"; and by striking out the words "in the Superior Court" appearing in lines eleven and twelve of said paragraph.

(2) By substituting a period for the semicolon after the word "effect" in line five of the next to the last paragraph and striking out all of said paragraph that follows thereafter.

SUBSECTION (g). Amend Section five hundred and seventeen, Subsection (a), by substituting a comma for the colon after the word "container" in line eight and by adding thereafter the following: and in bottles or containers of the capacity of one quart, or its equivalent, a tax of three and one third cents per bottle or container.

SUBSECTION (h). Amend Section five hundred and seventeen, by striking out Subsection (b) and inserting in lieu thereof the following:

(b) The payment of the tax imposed by the preceding subsection shall be evidenced as to containers of one quart, or its equivalent, or less, by the affixing of crowns or lids to such containers in which beverages are placed, received, stored, shipped, or handled, and upon which the tax has been paid at the rate prescribed in the preceding subsection.

SUBSECTION (i). Amend Section five hundred and seventeen by inserting immediately before the last paragraph a new Subsection (s) which shall read as follows:

Revocation of certain licenses.

(s) If any dealer, either at wholesale or retail shall expose for sale or have in his possession either in storage or on display any nontax-paid beverages enumerated under Section five hundred and one (a) and (b) of this article, the Commissioner of Revenue shall have the authority to revoke any privilege license issued under this article to said dealer and said license shall not be renewed for the balance of the tax year; in addition, the Commissioner may refuse to issue new license to such dealer unless the dealer can satisfactorily show to the Commissioner of Revenue that he will in the future comply with the provisions of this article and the rules and regulations of the Commissioner issued under authority hereof.

SUBSECTION (j). Amend Section five hundred eighteen and one half by changing the number of said section to five hundred and eighteen (a).

SUBSECTION (k). Amend Article VI, Schedule F, by inserting immediately before Section five hundred and nineteen a new section to be numbered Section five hundred and eighteen (b), which shall read as follows:

Prohibiting purchases from unlicensed nonresidents.

SEC. 518 (b). Resident wholesalers shall not purchase beverages for resale from unlicensed nonresidents. It shall be unlawful for any resident wholesale distributor or bottler to purchase any of the beverages described in Section five hundred and one of this article for resale within this State from any nonresident who has not procured the permit or license required in the preceding section.

SUBSECTION (l). Amend Article VI, Schedule F, by inserting therein a new section to follow Section five hundred and twenty-two, such section to be Section five hundred and twenty-two (a).

Exempting sacramental wine.

SEC. 522 (a). Wine for sacramental purposes exempt from tax. The tax levied in this article upon the sale of beverages described in Section five hundred and one (b) of this article shall not apply to sacramental wines received by ordained ministers of the gospel under the provisions of Section eighteen - twenty-one of the General Statutes.

SUBSECTION (m). Amend Section five hundred and twenty-three by adding thereto the following: Any person, firm or corporation engaging in any activity for which a state, county, or municipal license is required under this article without obtaining said license, or continuing any such activity after the expiration of any state, county, or municipal license, granted under this article, shall be subject to the same liability for criminal prosecution, and for penalties, as is prescribed in Section one hundred and eighty-seven of this Act.

SUBSECTION (n). Amend Article VI, Schedule F, by inserting immediately after Section five hundred and twenty-five a new section to be designated Section five hundred and twenty-five (a), which shall read as follows:

Licenses on more than one business.

SEC. 525 (a). Persons, firms, and corporations engaged in more than one business to pay on each. When any person, firm or corporation is engaged in more than one business or trade which is made under the provisions of this article subject to State license taxes, such person, firm, or corporation shall pay the license taxes prescribed in this article for each separate business or trade.

SUBSECTION (o). Amend Section five hundred and twenty-eight (d) by striking out the word "not" in line seven.

SUBSECTION (oo). Amend Section five hundred and seventeen (r) by striking out the words and figures "twenty cents (20c)" after the words "of this article of" in line three and before the words "per gallon" in line four and inserting in lieu therof the words and figures "thirty cents (30 cts). The foregoing tax to apply to naturally fermented wines. The tax on imitation, sub-standard or synthetic wines (as defined in the United States Treasury Regulations) shall be one dollar and twenty cents ($1.20) per gallon." Taxes on wine.

SUBSECTION (p). Amend Section five hundred and twenty-eight (h) by striking out the last three sentences thereof.

SUBSECTION (q). This section shall be effective on and after May first, one thousand nine hundred and forty-five.

SEC. 7. Amendments to the Gift Tax Article, Article VII, Schedule G. Amending Schedule G.

SUBSECTION (a). Amend Section six hundred, Subsection (c), Paragraph three, by striking out in lines four, five, six, seven, and eight the words "(2) for charitable, educational, or religious purposes within this State; (3) to or for the exclusive benefit of any institution, association or corporation in this State, the property of which is exempt from taxation by the laws of this State; and (4)," and inserting in lieu thereof the following: (2) to or for the exclusive benefit of charitable, educational, or religious organizations located within this State, no part of the net earnings of which inures to the benefit of any private shareholder or individual (3).

SEC. 8. Amendments to Intangible Personal Property Tax, Article VIII, Schedule H. Amending Schedule H.

SUBSECTION (a). Amend Section seven hundred and one by striking out in line five of the second paragraph the words "March, June, September, and December" and substituting in lieu thereof the following words "February, May, August, and November." This subsection shall be effective from and after January first, one thousand nine hundred and forty-six.

SUBSECTION (b). Further amend Section seven hundred and one by inserting immediately following the first sentence of the third paragraph the following sentence: The bank may immediately report and pay the tax due on any account closed out during any quarter in which the bank has withheld the amount of the tax.

SUBSECTION (c). Amend Section seven hundred and one by adding at the end thereof the following: *Further*, deposits in Exempting certain deposits.

North Carolina banks by nonresident individuals and foreign corporations, when such deposits are not related to business activities in this State, shall not be subject to the tax levied in this section.

SUBSECTION (d). Amend Section seven hundred and five by adding to the end of the second paragraph the following sentence: In the case of corporations having the same allocation ratios for income and franchise taxes paid to this State the allocation percentages reported on the franchise returns due in July of each year and received in the year, may be used to determine the portion of the value of the shares of stock of such corporations taxable under this section.

SUBSECTION (e). Amend Section seven hundred and twelve as follows:

(1) By striking out the word "national" in the title of said section.

(2) By striking out the word "national" in line two, and inserting immediately after the word "banks" in line two a comma and the words "whether state or national,".

(3) By striking out the word "national" in line four and inserting in lieu thereof the word "such."

(4) By striking out the word "national" in lines five, eight and nine.

(5) By adding to the end of said section a new paragraph to read as follows:

Relating to moneyed capital in competition with banks.

In cases where the Commissioner of Revenue shall find moneyed capital, as specified in the preceding paragraph, to be in competition with banks, such moneyed capital shall be assessed by the same methods as applicable to the shares of banks, and shall be taxed at the same rates as are applicable to the shares of banks in the same locality where such moneyed capital is found to be in competition with banks. The rates of tax thus applied shall be in lieu of the rates of tax specified in this article.

SUBSECTION (f). Amend Section seven hundred and thirteen by inserting in line three immediately after the word "year" the following: or other taxable dates, namely February fifteenth, May fifteenth, August fifteenth, and November fifteenth.

SUBSECTION (g). Amend Section seven hundred and fourteen by inserting immediately after the word "burial" in line five the following: "nor, on or after January first, one thousand nine hundred and forty-four, to any funds, evidences of debt, or securities held irrevocably in pension, profit sharing, stock

bonus, or annuity trusts, or combinations thereof, established by employers for the purpose of distributing both the principal and income thereof exclusively to eligible employees, or the beneficiaries of such employees, if such trusts qualify for exemption from income tax under the provisions of Section three hundred and fourteen, Subdivision ten, of this Act;". This subsection shall be effective from and after January first, one thousand nine hundred and forty-four.

Amending Schedule I.

SEC. 9. Amendments to the Compensating Use Tax Article, Article IX, Schedule I.

SUBSECTION (a). Amend Section eight hundred and one, Subsection (c), by substituting a comma for the colon in line twelve and adding thereafter the following: in which possession of said property passes to the bailee, borrower, lessee, or licensee.

SUBSECTION (b). Amend Section eight hundred and one, Subsection (c), by striking out in the last two lines of the subsection the words "tax of three per cent is paid on the total admission for such exhibitions" and substituting in lieu thereof the words "license tax is imposed under the provisions of Section one hundred and five of this Act."

SUBSECTION (c). Amend Section eight hundred and five by inserting in line two after the word "delivering," the words "or taking orders for the sale or delivery of."

SUBSECTION (d). Amend Section eight hundred and five by inserting in line four after the word "delivering," the words "or taking an order for the sale or delivery of."

SUBSECTION (e). Amend Section eight hundred and five by inserting in line five after the word "thereof," the words "or any part thereof."

SUBSECTION (f). This section shall be effective from and after the ratification of this Act.

Amending Schedule I-A.

SEC. 10. Amendments to Gross Earnings Taxes in Lieu of Ad Valorem Taxes Article, Article IX-A, Schedule I-A.

SUBSECTION (a). Amend Article IX-A by striking out the subheading "Schedule 1-A" and inserting in lieu thereof the subheading "Schedule I-A."

Amending Schedule J.

SEC. 11. Amendments to the General Administration Article, Article X, Schedule J.

SUBSECTION (a). Amend Section nine hundred and thirty-four by striking out said section.

SUBSECTION (b). This section shall be effective from and after the ratification of this Act.

References to Consolidated Statutes to be eliminated from Revenue Act and appropriate references to General Statutes to be substituted.

SEC. 12. Amend the Revenue Act of one thousand nine hundred and thirty-nine, as amended, by striking out all references to the Consolidated Statutes of North Carolina or any section or sections thereof, and by inserting in lieu thereof the corresponding references to the General Statutes of North Carolina.

Providing for publication of Revenue Act of 1939 as amended by Sessions of 1941, 1943 and 1945.

SEC. 13. That the Secretary of State with the advice of the Attorney General, as soon as possible after the ratification of this Act, shall insert in the Revenue Act of one thousand nine hundred and thirty-nine, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of one thousand nine hundred and thirty-nine, one thousand nine hundred and forty-one, one thousand nine hundred and forty-three, one thousand nine hundred and forty-five, and shall print in codified form five thousand copies of said Act as amended and supplemented which shall be delivered to the Commissioner of Revenue for distribution. This compilation when certified by the Secretary of State and Attorney General to be a true and accurate compilation of the Revenue Act of one thousand nine hundred and thirty-nine and all amendments thereto shall be an official compilation or statement of the Revenue Act of one thousand nine hundred and thirty-nine, as amended.

Amendments to existing law do not affect obligations accruing prior to July 1, 1945.

SEC. 14. Retrospective Continuation of Existing Laws. That notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, the existing revenue laws of the State shall be and continue in full force and effect with respect to all acts and transactions done or occurring prior to July first, one thousand nine hundred and forty-five, affected or which ought to be affected by their terms and provisions, and with respect to all liabilities, criminal as well as civil, incurred or which ought to have been incurred with respect to said acts and transactions done or occurring prior to July first, one thousand nine hundred and forty-five.

Amendments apply to corresponding sections of published Revenue Act.

SEC. 14½. Whenever under the provisions of this Act an amendment is made to the publication entitled "Revenue Act," issued by the Secretary of State under authority of Section ten, Chapter four hundred, Session Laws of one thousand nine hundred and forty-three, it shall be deemed to be also an amendment to the corresponding sections of the General Statutes of North Carolina in which the Revenue Act of one thousand nine hundred and thirty-nine, as amended, is codified.

Effective July 1, 1945.

SEC. 15. Effective date. That except as otherwise expressly provided herein, this Act shall take effect on and after July first, one thousand nine hundred and forty-five.

Ratified this the 17th day of March, 1945.

H. B. 200 CHAPTER 709

AN ACT TO REIMBURSE ED BROOKS OF DAVIDSON COUNTY FOR DAMAGES TO HIS AUTOMOBILE BY COLLISION WITH A SCHOOL BUS ON MAY SECOND, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR.

WHEREAS, on the second day of May, one thousand nine hundred forty-four, a collision occurred between a school bus driven by Roosevelt Reed and the automobile of Mr. Ed Brooks, of Davidson County; and

WHEREAS, it is contended that said collision occurred because of the negligence of the operator of the school bus; and

WHEREAS, it appears that the said Ed Brooks has suffered damages to his automobile in the sum of ninety-one and fifty one-hundredths ($91.50) dollars and has no legal remedy against the State Board of Education: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Ed Brooks.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of Ed Brooks of Davidson County and upon production of satisfactory proof that the collision and damage referred to above occurred through the negligent operation of the school bus by Roosevelt Reed and without contributory negligence on the part of Ed Brooks, the said Board of Education is authorized to pay the said Ed Brooks a sum not exceeding ninety-one and fifty one-hundredths ($91.50) dollars to reimburse him for the damage to his automobile.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 206 CHAPTER 710

AN ACT TO REIMBURSE BENNIE WELLS OF WILSON COUNTY FOR HOSPITAL EXPENSES INCURRED BECAUSE OF INJURIES TO HIS MINOR SON, DONNIE WELLS, BY SCHOOL BUS MARCH FIFTH, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

WHEREAS, on the fifth day of March, one thousand nine hundred and forty-three, Donnie Wells, the minor son of Bennie Wells, was struck by a school bus on South Street, in the City of Wilson, while said bus was allegedly operated in a careless and negligent manner by W. E. Harper, the authorized driver

thereof, and causing serious personal injuries to said Donnie Wells necessitating hospitalization for a fractured arm and head injuries for which said Bennie Wells has incurred medical expenses of two hundred seventy-four dollars and ten cents ($274.10); and

WHEREAS, the said Donnie Wells is not authorized by law to recover the moneys expended by him by legal action against the State Board of Education or the State of North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Bennie and Donnie Wells.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of Bennie Wells for injuries sustained by his minor son, Donnie Wells, necessitating the expenditure of two hundred seventy-four dollars and ten cents ($274.10) for medical and hospital bills and upon production of satisfactory proof that the injuries sustained by the said Donnie Wells occurred through the negligent operation of the school bus by the said W. E. Harper, and that the said Donnie Wells did not contribute to his injuries, the State Board of Education is authorized to pay to the said Bennie Wells not in excess of the sum of two hundred seventy-four dollars and ten cents ($274.10) to reimburse him for moneys expended for hospitalization of his minor son.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 234 CHAPTER 711

AN ACT TO REIMBURSE T. F. FULLER OF FRANKLIN COUNTY FOR FUNERAL EXPENSES OF HIS MINOR SON, THOMAS FULLER, FATALLY INJURED BY A STATE SCHOOL BUS FEBRUARY TWENTY-SECOND, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR.

WHEREAS, it is contended that on the twenty-second day of February, one thousand nine hundred and forty-four, Thomas Fuller, the minor son of T. F. Fuller, of Franklin County, was hit and fatally injured by a State school bus operated by the duly authorized driver, by name of Grainger; and

WHEREAS, funeral expense of three hundred thirty-five dollars ($335.00) was incurred by the said T. F. Fuller, and the said T. F. Fuller is not authorized by law to recover moneys

expended by him by legal action against the State Board of Education or the State of North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is hereby authorized and empowered to investigate the claim of Thomas F. Fuller for funeral expense for his minor son, Thomas Fuller, who was fatally injured by the operation of the State school bus and upon production of satisfactory proof that the injuries sustained occurred through the negligent operation of the school bus by the driver, the State Board of Education is authorized to pay to the said Thomas F. Fuller not in excess of the sum of three hundred thirty-five dollars ($335.00) to reimburse him for moneys expended for funeral expense.

Payment of damages to Thomas F. Fuller.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 262 CHAPTER 712

AN ACT TO COMPENSATE NATHAN O'BERRY RADFORD FOR MEDICAL AND HOSPITAL EXPENSE INCURRED BY INJURIES SUSTAINED BY BEING STRUCK BY A SCHOOL BUS APRIL SECOND, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

WHEREAS, it is contended that on the second day of April, one thousand nine hundred and forty-three, Nathan O'Berry Radford received injuries in being struck by a State school bus while operated by the authorized driver, Lawrence Nethercutt; and

WHEREAS, it is contended that the injuries sustained by the said Nathan O'Berry Radford were caused by the negligent operation of said bus by the driver; and

WHEREAS, the said Nathan O'Berry Radford sustained serious injuries necessitating hospital treatment for which he has incurred an expense of one hundred forty-five dollars ($145.00); and

WHEREAS, the said Nathan O'Berry Radford is not authorized by law to recover said expenses from the State Board of Education or the State of North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Nathan O'Berry Radford.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of the said Nathan O'Berry Radford, and upon production of satisfactory proof that his injuries were sustained by being struck by a State school bus while being operated in a negligent manner by the driver, the State Board of Education is authorized to pay to the said Nathan O'Berry Radford, not in excess of the sum of one hundred forty-five dollars ($145.00) to reimburse him for medical and hospital expenses incurred because of injuries thereby sustained.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 283 CHAPTER 713

AN ACT TO AMEND SECTION THIRTY-SIX - FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO INVESTMENTS BY GUARDIANS OF MINORS AND INCOMPETENT PERSONS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section thirty-six — four of the General Statutes of North Carolina is hereby rewritten to read as follows:

Amending law relating to investment by guardians of minors and incompetents.

SEC. 36-4. Investment in registered securities. Any guardian or trustee having in hand surplus funds belonging to a minor ward, incompetent person, or persons non compos mentis, may, if he so elects, invest the same in registered securities within the classes designated by Sections thirty-six—one and thirty-six—two, the registration of said securities as to principal only to be in the name of said minor ward, incompetent person, or persons non compos mentis.

Upon delivery of such registered securities to the clerk of the superior court of the county in which the estate of said minor ward, incompetent person, or persons non compos mentis, is being administered, said clerk of the superior court shall give said guardian or trustee a receipt for the same and said clerk of the superior court shall thereafter hold said securities for said ward, incompetent person, or person non compos mentis, subject only to final disposition thereof to be approved by the resident judge or presiding judge of the superior court: Provided, however, all income accruing therefrom shall be paid

to said guardain or trustee in the same manner and for the same purposes as any other income of said estate derived from other sources.

Whenever any guardian or trustee shall have delivered to the clerk of the superior court registered securities as hereinbefore provided, he shall be entitled to credit in his account as guardian or trustee for the amount actually expended for such securities, and his bond as such guardian or trustee shall thereupon be reduced in an amount equal in proportion to the total amount of the bond as the funds expended for the securities are to the total amount of the estate covered by such bond.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 306 CHAPTER 714

AN ACT TO AMEND THE MOTOR VEHICLE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, AS THE SAME IS CODIFIED IN SECTIONS TWENTY - THIRTY-EIGHT THROUGH TWENTY - ONE HUNDRED AND EIGHY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO STORAGE LIENS ON MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section twenty - seventy-seven of the General Statutes of North Carolina be amended by adding thereto a new subsection to be designated Subsection (d), which shall read as follows:

(d) The owner of a garage, storage lot or other place of storage shall have a lien for his lawful and reasonable storage charges on any motor vehicle deposited in his place of storage by the owner or any other person having lawful authority to make such storage, and may retain possession of the motor vehicle until such storage charges are paid. If the storage charges are not paid when due, the garage owner or other storage keeper may satisfy said lien as follows: Providing lien on motor vehicles for storage charges.

(1) The garage owner or storage keeper shall give written notice to the person who made the storage, to the registered owner, if known, and to any other persons known to claim any lien on or other interest in the motor vehicle. Such notice shall Notice to owner and lien holders.

be given by delivery to the person, or by registered letter addressed to the last known place of business or abode of the person to be notified.

Content of Notice.

(2) The notice shall contain a description of the motor vehicle; an itemized statement of the claim for storage charges; a demand that the storage charges be paid on or before a day specified, not less than ten days from the delivery of the notice if it is personally delivered or from the time when the notice should reach its destination according to the due course of post if the notice is sent by mail; and a statement that unless the storage claim is paid on or before the day specified, the motor vehicle will be advertised for sale and sold at auction at a specified time and place.

Procedure for sale.

(3) If payment is not made by the day specified in the notice, a sale of the motor vehicle may be had to satisfy the lien. The sale shall be held at the place where the vehicle was stored, or if such place is manifestly unsuitable for the purpose, at the court house in the county where vehicle was stored. The advertisement of such sale shall contain the name and address of the registered owner of the vehicle, if known or ascertainable; the name and address of the person who made the storage; a description of the motor vehicle, including the make, year of make, model, motor number, serial number and license number, if any; a statement of the amount of storage charges; and the place, date and hour of sale. The advertisement shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than three conspicuous public places in such place. A copy of said advertisement shall be sent to the Commissioner of Motor Vehicles at least twenty days prior to the sale. From the proceeds of the sale the garage owner or storage keeper shall satisfy his lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, shall be held by the garage owner or storage keeper and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the motor vehicle. If no claim is made for said balance within ten days the garage owner or storage keeper shall immediately pay such balance into the office of the clerk of the superior court of the county wherein the sale was held, and the clerk shall hold said money for twelve months for delivery on demand to person entitled thereto, and if no claim is made within said period, said balance shall escheat to the University of North Carolina.

(4) At any time before the motor vehicle is so sold any person claiming a right of property or possession therein may pay the garage owner or storage keeper the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment, and upon receiving such payment, the garage owner or storage keeper shall deliver the motor vehicle to the person making such payment if he is a person entitled to the possession thereof. Redemption before sale.

Where no specific agreement is made at the time of storage regarding the time when storage charges shall be due, such charges shall be due ninety days after the storage commenced.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of ratification.

Ratified this the 17th day of March, 1945.

H. B. 330 **CHAPTER 715**

AN ACT TO PROVIDE FOR COMPENSATION FOR THE INJURY OF FELIX COX, A SCHOOL CHILD OF LENOIR COUNTY, RECEIVED WHILE A SCHOOL BUS WAS UNLOADING AFTER SCHOOL.

WHEREAS, it is contended that Felix Cox, a school child of Lenoir County, North Carolina, on the sixteenth of April, one thousand nine hundred and forty-three, was injured just after he had alighted from one school bus, by being struck by another school bus which was following the bus on which he had been riding, causing a complete fracture of his right femur in middle-third and abrasions on the face and hands, to the end that he had to spend eighty-seven days in the Parrott Memorial Hospital, Incorporated, at Kinston, and incurred considerable hospital and doctors' expense; and

WHEREAS, such an accident is not covered by Chapter two hundred and forty-five of the Public Laws of one thousand nine hundred and thirty-five, because the child was not injured while riding in a school bus: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is hereby authorized and empowered, after making investigations of the facts of the case, to pay, in its discretion, for the medical care and hospital expenses of Felix Cox, seven hundred forty dollars and thirty-five cents ($740.35), or other such sum as it may find Payment of damages to Felix Cox.

just and equitable not to exceed said amount. The State Board of Education is also authorized and empowered, in its discretion, to pay for such medical, surgical and hospital bills as may be incurred in straightening the leg of Felix Cox and taking out the defect in same caused by said accident: *Provided,* the amount spent therefor shall not exceed four hundred fifty-nine dollars and sixty-five cents ($459.65).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 357 CHAPTER 716

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO REIMBURSE THE REVEREND E. C. WILKIE FOR DAMAGES SUFFERED TO HIS AUTOMOBILE THROUGH THE NEGLIGENT OPERATION OF A SCHOOL BUS IN NOVEMBER, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

WHEREAS, it is contended at about eight fifty a. m. on the eleventh day of November, one thousand nine hundred and forty-three, in the Town of Robersonville, North Carolina, a school bus belonging to the State Board of Education and operated by Elmer Ward, a school bus driver regularly employed by the State Board of Education, crashed into the automobile belonging to and driven by the Reverend E. C. Wilkie on Railroad Street in said town, causing considerable damage thereto through the negligent operation of the school bus by the said driver; and

WHEREAS, it is contended the collision occurred through no fault of the Reverend E. C. Wilkie; and

WHEREAS, he has no remedy at law to recover his loss, and it is just and proper that he be reimbursed for the loss he has suffered: Now, there,

The General Assembly of North Carolina do enact:

Payment of damages to Rev. E. C. Wilkie.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of the Reverend E. C. Wilkie, and upon satisfactory proof that the collision occurred through the negligent operation of the school bus and that there was no contributory negligence on the part of the driver of the automobile, the Reverend E. C. Wilkie, the State Board of Education is hereby authorized to pay to the Reverend E. C. Wilkie such sum not to exceed four hundred eighty dollars and eighty-

three cents ($480.83) as will reimburse him for the actual damages found to be sustained to his automobile.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 365 CHAPTER 717

AN ACT TO COMPENSATE QUALITY-SOUTHERN OIL COMPANY FOR DAMAGES TO A CHEVROLET PICKUP TRUCK CAUSED BY A SCHOOL BUS.

WHEREAS, it is contended that on the fourteenth day of April, one thousand nine hundred and forty-three, a Chevrolet pickup truck owned by Quality-Southern Oil Company, a North Carolina corporation, with its principal office in Winston-Salem, North Carolina, was damaged in a collision with a school bus owned by the State Board of Education and operated by the regular bus driver employed by the State Board of Education, near the city limits of the Town of Statesville, in Iredell County; and

WHEREAS, it is contended that the said school bus was being operated by the regular bus driver, on the left-hand side of the road in a careless and reckless manner; and

WHEREAS, it is contended that the Chevrolet pickup truck was being operated by one Preston Lee Thomason on the right-hand side of said highway in a careful and prudent manner, and in nowise contributed to the damages sustained, but that the carelessness of the operator of the school bus was the sole and proximate cause of said damages; and

WHEREAS, it is contended that the said truck was damaged in the sum of six hundred dollars ($600.00), and there is no legal remedy available to said Quality-Southern Oil Company against the State Board of Education or the State of North Carolina to compel it to pay said damages; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The State Board of Education is hereby authorized and empowered to investigate the claim of the said Quality-Southern Oil Company for damages done to its truck on account of the collision with the State school bus, and upon production of satisfactory proof that said damages occurred through the negligent operation of said school bus, said State Board of Edu- Payment of damages to Quality Southern Oil Co.

cation is thereupon authorized and empowered to pay the damages sustained by the said Quality-Southern Oil Company not exceeding six hundred dollars ($600.00); *provided,* no payment shall be made hereunder in the event the investigation aforesaid should disclose that the said Preston Lee Thomason was guilty of contributory negligence in the operation of the Chevrolet pickup truck.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 378 CHAPTER 718

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO REIMBURSE GEORGE W. CHAPMAN FOR THE LOSS OF HIS COW, WHICH WAS STRUCK BY A McDOWELL COUNTY SCHOOL BUS ON SEPTEMBER TWENTY-SIXTH, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR.

WHEREAS, it is contended that on September twenty-sixth, one thousand nine hundred and forty-four, a school bus being operated by an employee of the McDowell County Board of Education struck a cow owned by George W. Chapman; and

WHEREAS, it is contended that the cow died as a result of said collision: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to George W. Chapman.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of George W. Chapman referred to above and upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus and that there was no contributory negligence on the part of said George W. Chapman that the State Board of Education is authorized to pay George W. Chapman such sum not exceeding one hundred and fifteen dollars ($115.00) as will reimburse him for actual damage found to be thus sustained.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 392 CHAPTER 719

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO REIMBURSE N. R. LEWIS FOR DAMAGES TO HIS TRUCK THROUGH COLLISION WITH A SCHOOL BUS IN FORSYTH COUNTY ON JANUARY THIRD, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

WHEREAS, it is contended that on January third, one thousand nine hundred and forty-five, a school bus being operated by an employee of the Forsyth County Board of Education collided with a truck owned by N. R. Lewis; and

WHEREAS, it is contended that as a result of said collision said truck owned by the said N. R. Lewis was considerably damaged: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to N. R. Lewis.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of N. R. Lewis referred to above and upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus and that there was no contributory negligence on the part of said N. R. Lewis that the State Board of Education is authorized to pay N. R. Lewis such sum not exceeding thirty dollars ($30.00) as will reimburse him for actual damage found to be thus sustained.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Ratified this the 17th day of March, 1945.

H. B. 401 CHAPTER 720

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO REIMBURSE JOHN D. NANCE FOR DAMAGES TO HIS TRUCK THROUGH COLLISION WITH A SCHOOL BUS.

WHEREAS, it is contended that on or about the eighteenth day of May, one thousand nine hundred and forty-two, a school bus collided with a truck owned by John D. Nance; and

WHEREAS, it is contended that as a result of said collision said truck owned by said John D. Nance was considerably damaged: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to John D. Nance.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of John D. Nance referred to above and upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus and that there was no contributory negligence on the part of said John D. Nance that the State Board of Education is authorized to pay John D. Nance such sum not exceeding three hundred eighty-four dollars and seventy cents ($384.70) as will reimburse him for actual damage found to be thus sustained.

Conflicting laws repealed.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Ratified this the 17th day of March, 1945.

H. B. 409 CHAPTER 721

AN ACT PROVIDING FOR A BOARD OF EDUCATION FOR YANCEY COUNTY AND TO REPEAL ALL PUBLIC-LOCAL LAWS RELATING TO THE BOARD OF EDUCATION OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Providing Board of Education for Yancey County and appointing initial members.

SECTION 1. That there is hereby appointed as a Board of Education for Yancey County to take office on the first Monday in April, one thousand nine hundred forty-five, Jobe Thomas, Fred Ayers and Phillip Hensley, who shall be and constitute the only members of said board of education for a period of two years, beginning with the first Monday in April, one thousand nine hundred forty-five, and said members of said board of education hereby appointed shall, upon taking office the first Monday in April, one thousand nine hundred forty-five, appoint a county superintendent of schools to serve for a period of two years from the first Monday in April, one thousand nine hundred forty-five.

Board to appoint district school committees.

SEC. 2. That after the appointment of the county superintendent of schools, the board of education appointed by this Act shall immediately appoint a school committee of three members for each and every school district in Yancey County.

Selection of teachers by district committees.

SEC. 3. It shall be the duty of the county superintendent of schools to call each district school committee together at a time and place for the selection of teachers for Yancey County, such time to be set so as to elect the teachers within the time now provided by the Statute of North Carolina, and upon the convening of said members of each school district committee,

the county superintendent of schools shall submit to the school committee the applications of all teachers who have applied for a position in each school, together with the qualifications of each applicant, and the requirements of each and every school, and each district school committee shall proceed to elect the teachers for their respective school or schools, subject to the approval of the county board of education and the superintendent. And no teacher shall teach in the schools of Yancey County without first having been elected by a majority of the members of the school district committee in which such person is to teach. And the members of each school district committee shall be notified three days prior to the meeting of such committee for the purpose of selecting teachers, which notice may be given in person or by mailing a notice to the last known post office address of each member of said committee.

Each district committee to have advice of principal in selecting teachers.

SEC. 4. Each school district committee, upon meeting to elect teachers, shall first elect the principal of the schools in their respective districts, and after the election of such principal, said committee may have the advice and consultation of such principal in selecting the other teachers for the respective schools in said district.

Selection of teachers by district committees other than those provided for herein shall not be valid.

SEC. 5. That it shall be the duty of the members of the school district committees selected by the board of education herein named, to elect the teachers for the school year one thousand nine hundred forty-five - one thousand nine hundred forty-six, and no election of teachers or contracts for teaching heretofore made or which shall be made hereafter for the school year of one thousand nine hundred forty-five - one thousand nine hundred forty-six by any school committee or any school authority in Yancey County, except by the committees authorized by this Act, shall be binding or valid, and the same shall be null and void.

Compensation of Board of Education named herein and County Superintendent selected by said Board shall be determined by State law.

SEC. 6. That the compensation now provided by the laws of the State of North Carolina for the members of the board of education and county superintendent of schools, shall apply to the persons herein named as members of the Board of Education of Yancey County, and to the county superintendent, which said board may select, pursuant to this Act.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws, general, specific or otherwise, in conflict with this Act, are hereby repealed. That any part or section of this Act which shall be declared unconstitutional shall not cause the remaining portion of the same to be invalid.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 430 **CHAPTER 722**

AN ACT TO REIMBURSE JAMES H. DeVANE OF PENDER COUNTY FOR DAMAGE TO AN AUTOMOBILE OWNED BY HIM BY REASON OF COLLISION WITH A PUBLIC SCHOOL BUS IN PENDER COUNTY.

WHEREAS, it is contended that on April twenty-fifth, one thousand nine hundred and forty-four in Canetuck Township, Pender County on the Still Bluff and White Lake Road a Ford school bus one thousand nine hundred and forty-four registration Public Schools seven hundred and eleven operated by an employee of the Public School Administration in Pender County was in collision with a one thousand nine hundred and forty Pontiac sedan, one thousand nine hundred and forty-four registration six hundred eighty-four thousand six hundred and fifty-five owned by James H. DeVane; and

WHEREAS, it is contended that by reason of said collision James H. DeVane has suffered loss on account of damage to his automobile; and

WHEREAS, there is no remedy at law whereby James H. DeVane might recover his damages in this connection: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to James H. DeVane.

SECTION 1. The North Carolina State Board of Education is hereby authorized to investigate the claim of James H. DeVane and upon production of proof satisfactory to said board that this collision occurred as the proximate result of the negligent operation of said school bus by an employee of the Public School Administration in Pender County and that there was no contributory negligence on the part of the driver of the automobile of James H. DeVane, then in such event the North Carolina State Board of Education is hereby authorized to pay to James H. DeVane such sum not in excess of fifty dollars ($50.00) as will reimburse James H. DeVane for such damage as may be found to have resulted solely from the negligent operation of the school bus as aforesaid.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 436 **CHAPTER 723**

AN ACT CREATING THE NORTH CAROLINA VETERANS COMMISSION,

The General Assembly of North Carolina do enact:

SECTION 1. The General Statutes of North Carolina are hereby amended by adding at the end thereof, a new chapter, as follows:

CHAPTER 165. VETERANS.

ARTICLE 1. North Carolina Veterans Commission.

North Carolina Veterans Commission Act.

SEC. 165-1. Short title. This article may be cited as the North Carolina Veterans Commission Act.

Definitions.

SEC. 165-2. Definition of terms. Wherever used in this article, unless the context otherwise requires, the terms defined in this section shall have the following meaning:

Commission.

(a) "Commission" means the North Carolina Veterans Commission.

Director.

(b) "Director" means the Director of the North Carolina Veterans Commission.

Veteran.

(c) "Veteran" means any person who has served at any time in the Armed Forces of the United States during any war in which the United States was a belligerent, or any person who is entitled to any benefits or rights under the laws of the United States, particularly the Servicemen's Readjustment Act of one thousand nine hundred and forty-four, or any rules, regulations or directives issued pursuant thereto, by reason of service in the Armed Forces of the United States during any war in which the United States has engaged.

Purposes of Act.

SEC. 165-3. Purpose of article. The purpose of this article is to create a commission whose functions, purpose and duty it shall be to coordinate, harmonize, and perform the services now being rendered veterans by various State Departments, agencies, and instrumentailties to the end that such State services may be more effectively and economically administered; and that such coordinated State services may give to all veterans, through this commission, a definite and practical means of availing themselves of all such rights and benefits as they may be entitled to as veterans, without unnecessary inconvenience or delay. In no sense is this commission intended to supersede or duplicate the work of Federal, private ,or civic agencies rendering service to veterans, it being the function of this commission to furnish a means of contact and coordination between veterans and all governmental, private, or civic service facilities in order to make more fully and readily available to all veterans, all rights and benefits to which they may be entitled.

Creation of North Carolina Veterans Commission.

165-4. Creation; name. There is hereby created a commission to be known as the North Carolina Veterans Commission.

Commission to consist of 5 members, appointed by the Governor, who must be veterans representing both major parties.

165-5. Membership; vacancies; chairman; meetings; compensation. (1) The membership of the commission shall consist of five persons appointed by the Governor, who shall be veterans as defined in Section one hundred and sixty-four - two of this article. Both major political parties in the State shall be represented on the commission.

Term to be 5 years; terms of the initial members to expire so that only one new member to be appointed each year.

(2) For the initial term of the members of the commission, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years; thereafter the successors of each shall be appointed for terms of five years and until their successors are appointed and qualify.

Vacancies to be filled by Governor.

(3) Vacancies in the commission shall be filled by the Governor for the unexpired term.

Commission to select one member to be Chairman.

(4) The commission shall select one of its members to act as chairman.

Quarterly regular meetings.

(5) The commission shall meet quarterly in January, April, June, and October, and at such other times as may be fixed by the chairman. The commission may be convoked at such other times as the Governor or chairman may deem necessary.

$7.00 per diem and expenses for travel and subsistence.

(6) Members of the commission shall receive a per diem of seven dollars ($7.00) while attending meetings of the commission and, in addition thereto, shall be allowed reasonable travel and subsistence expenses in accordance with the applicable schedules and procedure of the Budget Bureau.

Powers & duties of Commission.

165-6. Powers and duties of the commission; limitation.

(a) The commission shall have the following powers and duties:

To become informed regarding laws relating to Veterans and benefits.

(1) To acquaint itself, the director, and such other assistants and employees as may be employed for carrying out the purposes of this Act, with the laws, rules, and regulations, Federal, State, and local, enacted for the benefit of veterans, their families, and dependents.

To collect and disseminate information.

(2) To collect data and information as to the facilities and services available to veterans, their families, and dependents and to cooperate with agencies furnishing information or services throughout the State in order to inform such agencies regarding the availability of (a) education, training and retraining facilities, (b) health, medical, rehabilitation, and housing services and facilities, (c) employment and reemployment services, (d) provisions of Federal, State, and local laws, rules, and regulations affording rights, privileges, and benefits to

veterans, their families, and dependents, and in respect to such other matters of similar, related, or appropriate nature not herein set out.

To assist claimants.

(3) To assist veterans, their families, and dependents in the presentation, processing, proof, and establishment of such claims, privileges, rights, and benefits as they may be entitled to under Federal, State, or local laws, rules, and regulations.

To cooperate with all other agencies serving veterans.

(4) To cooperate with the National, State, and local governmental, private, and civic agencies and instrumentalities securing services or any benefits to veterans, their families, and dependents.

To accept gifts.

(5) To accept any property, funds, service, or facilities from any source, public or private, granted in aid or furtherance of the administration of the provisions of this article: *Provided,* that no financial obligation shall be thereby incurred without the authorization and approval of the Director of the Budget.

To establish local agencies.

(6) Subject to the approval of the Director of the Budget to establish in any county, city, or town of the State such branch or district offices as the commission may find necessary for the proper administration of this article.

To make regulations.

(7) Subject to the approval of the Director of the Budget, to enter into any contract or agreement with any person, firm, or corporation, or governmental agency or instrumentality in furtherance of the purposes of this Act, and to make all rules and regulations necessary for the proper and effective administration of its duties.

Local agencies.

(b) Any county, city, or town may employ one or more persons to serve in such county, city, or town, under the supervision of the commission and to perform such duties as the commission may direct in carrying out the provisions and purposes of this article; and such county, city, or town is hereby authorized to pay the salaries of such persons so employed, together with such other expense for quarters, equipment, supplies, and incidentals as may be necessary to give proper effect to this article: *Provided,* that the commission is hereby authorized and empowered in its discretion to contribute to the salaries and expenses of such persons as are employed by counties, cities, or towns, in order to provide for joint maintenance of the service rendered by them.

To select Director and fix his salary, with approval of Governor.

165-7. Director and employees. The commission shall elect, with the approval of the Governor a director who shall be a veteran of competency and ability. He shall serve for such time as his services are satisfactory to the commission at a salary to be fixed by the commission and approved by the Director of the Budget.

Employment of necessary personnel.

The director may, with the approval of the commission, employ such assistants as may be necessary effectively to administer the provisions of this article and with the approval of the commission may establish at such veterans administration facilities as are now or may hereafter be established, necessary personnel for the processing and presentation of all claims and benefits under Federal or State laws, rules, and regulations; and to fix the salaries of such personnel subject to the approval of the Director of the Budget. In employing such persons, preference shall be given to veterans.

Biennial Report.

165-8. Biennial report. The commission shall biennially prepare and submit to the Governor and the General Assembly a report of its activities during the preceding two years.

State to provide office facilities.

165-9. Quarters. The Board of Public Buildings and Grounds shall provide in the City of Raleigh, adequate quarters for the central office of the commission. The Division of Purchase and Contracts shall arrange for leasing or shall otherwise provide such necessary quarters as the commission may require for the transaction of its business in other sections of the State.

Funds from Contingency and Emergency Fund.

165-10. Appropriation. The Governor, with the approval of the Council of State, is hereby authorized and empowered to allocate from time to time from the Contingency and Emergency Fund, such funds as may be necessary to carry out the intent and purposes of this article.

Veterans activities to be transferred to Commission.

165-11. Transfer of veterans activities. As promptly as he may deem practicable after the appointment of the commission, the Governor shall transfer to the commission such facilities, properties, and activities now being held or administered by the State for the benefit of veterans, their families, and dependents as he may deem proper.

(a) The Governor may transfer to the commission all such funds or appropriations now available for any veterans service, including appropriations and allocations for the impending biennium.

Amending statues to substitute Veterans Commission for State Service Officer.

(b) The provisions of Section one hundred and sixty-five - eleven (a) of this article shall not apply to the War Veterans Loan Administration, this agency being in the process of liquidation.

(c) The provisions of Section one hundred and sixty-five - eleven (a) of this article shall not apply to the activities of the North Carolina Unemployment Compensation Commission in respect to veterans.

SEC. 2. Sections amended:

(a) General Statutes thirty-four - two is hereby amended by striking out the following words, "the term 'State service officer'

means such appointee of the North Carolina Commission of Labor as provided by Section ninety-five - four."

(b) General Statutes thirty-four - three to thirty-four - eighteen, inclusive, are hereby amended by striking out the words, "State service officer" wherever they appear therein and by substituting the words, "the North Carolina Veterans Commission."

(c) General Statutes ninety-five - four is hereby amended by striking out Subsection (f) thereof and by relettering the present Subsection (g), Subsection (f).

(d) General Statutes one hundred and sixteen - one hundred and forty-five is hereby amended by striking out in lines eighteen and nineteen of the second paragraph the words, "the commanding officer of the American Legion Post located within the same county as applicant" and by substituting therefor the words, "a representative of the North Carolina Veterans Commission."

(e) General Statutes one hundred and sixteen - one hundred and forty-five is hereby further amended by striking out the last sentence of the second paragraph, beginning with the word "if" and ending with the word "post."

(f) General Statutes one hundred and sixteen - one hundred and forty-seven is hereby amended by striking out in line eighteen thereof, the words "the State Superintendent of Public Instruction" and by substituting therefor, the words "the North Carolina Veterans Commission."

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. **Conflicting laws repealed.**

SEC. 4. This Act shall become effective upon its ratification, except that Subsection (c) of Section two of this article shall become effective as of the date upon which the Governor effects the transfer of veterans activities in compliance with Section one hundred and sixty-five - eleven of this article.

Ratified this the 17th day of March, 1945.

H. B. 464 CHAPTER 724

AN ACT TO REIMBURSE GENE CARPENTER OF ALLEGHANY COUNTY FOR DAMAGES TO HIS TRUCK RESULTING FROM A COLLISION WITH SCHOOL BUS.

WHEREAS, it is contended that on January nineteenth, one thousand nine hundred and forty-five, a Ford truck owned by Gene Carpenter of Alleghany County, was proceeding along United States Highway Number two hundred and twenty-one, near Twin Oaks; and

WHEREAS, it is contended that on said date, a school bus being operated by Bernard Phipps, struck the said Ford truck; and

WHEREAS, the truck was allegedly on the right hand side of the road; and

WHEREAS, said school bus allegedly was being driven on the wrong side of the road and at an excessive rate of speed; and

WHEREAS, there is no legal remedy available to Gene Carpenter: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Gene Carpenter.

SECTION 1. That the State Board of Education is hereby authorized and empowered to investigate the claim of Gene Carpenter of Alleghany County arising out of a collision between a school bus operated by Bernard Phipps and the truck of Gene Carpenter. When satisfactory evidence is produced showing that the collision was caused by the negligent operation of the school bus, and without contributory negligence on the part of the driver of the Carpenter truck, the State Board of Education is hereby authorized to pay the cost of repairs to said truck not exceeding five hundred dollars ($500.00).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 465 CHAPTER 725

AN ACT TO AMEND CHAPTER SIXTY-TWO, SECTIONS ONE HUNDRED AND TWENTY-FIVE AND ONE HUNDRED AND TWENTY-SIX OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE FUNCTIONS OF THE UTILITIES COMMISSION WITH REFERENCE TO RAIL AND MOTOR CARRIER RATES, FARES, CHARGES, RULES, REGULATIONS AND PRACTICES.

The General Assembly of North Carolina do enact:

Amending law relating to Utilities Commission.

SECTION 1. That Chapter sixty-two, Section one hundred and twenty-five of the General Statutes of North Carolina be and the same is hereby amended as follows:

(a) That line two thereof be amended by striking out the words "an increase" in said line and inserting in lieu thereof the words "a change."

(b) That line forty-two thereof be amended by striking out the word "increased" in said line and inserting in lieu thereof the word "changed."

(c) That line forty-three thereof be amended by striking out the word "increased" in said line and inserting in lieu thereof the word "changed."

(d) That line forty-four thereof be amended by striking out the words "an increase" in said line and inserting in lieu thereof the words "a change."

(e) That line forty-five thereof be amended by striking out the word "increased" in said line and inserting in lieu thereof the word "changed."

(f) That line forty-seven thereof be amended by striking out the word "increased" in said line and inserting in lieu thereof the word "changed."

SEC. 2. That Chapter sixty-two, Section one hundred and twenty-six of the General Statutes of North Carolina be and the same is hereby amended as follows:

(a) That the word "increase" be stricken from the title and that the word "change" be inserted in lieu thereof.

(b) That line one thereof be amended by striking out the word "increase" in said line and inserting in lieu thereof the word "change."

(c) That lines three and four thereof be amended by striking out the words "the result of which will be an increase" in said lines.

(d) That line eleven thereof be amended by striking out the word "increased" in said line and inserting in lieu thereof the word "changed."

SEC. 3. That all laws and clauses of laws that are in conflict herewith are hereby repealed. **Conflicting laws repealed.**

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 471 CHAPTER 726

AN ACT TO REIMBURSE ALBERT WHITLEY OF SELMA, JOHNSTON COUNTY, FOR DAMAGES TO HIS AUTOMOBILE THROUGH COLLISION WITH A SCHOOL BUS.

WHEREAS, it is contended that on or about November fifteenth, one thousand nine hundred forty-four, the automobile of Mr. Albert Whitley of Selma, Johnston County, North Carolina, was struck by a school bus; and

WHEREAS, it is contended that the accident occurred through no fault of the said Albert Whitley; and

WHEREAS, it is contended that it is just and proper that the said Albert Whitley be reimbursed for the damages sustained; Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Albert Whitley.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of Albert Whitley, of Selma, Johnston County, for damages to his automobile, and upon being presented with satisfactory evidence that the collision and damage occurred through the negligent operation of the school bus without contributory negligence on the part of said Whitley, the said Board of Education is authorized to pay Albert Whitley such sum not exceeding sixty-seven dollars and seventy-six cents ($67.76) as will reimburse him for said damages.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 472 CHAPTER 727

AN ACT TO REIMBURSE MRS. E. H. MOSER OF ZEBULON FOR DAMAGES TO HER AUTOMOBILE THROUGH COLLISION WITH A SCHOOL BUS.

WHEREAS, it is contended that on or about November twentieth, one thousand nine hundred forty-four, the automobile of Mrs. E. H. Moser of Zebulon was struck by a school bus; and

WHEREAS, it is contended that said collision occurred because of the negligent operation of the school bus; and

WHEREAS, it is contended to be just and proper that Mrs. E. H. Moser be reimbursed for the damage sustained by her: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of Mrs. E. H. Moser for damages to her automobile and, upon satisfactory proof being presented that the collision was caused by the negligent operation of the school bus, without contributory negligence on the part of Mrs. E. H. Moser, the said Board of Education is authorized to pay Mrs. Moser such sum, not exceeding seventy-four dollars and eighty-one cents ($74.81) as will reimburse her for the damages sustained in said collision.

Payment of damages to Mrs. E. H. Moser.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 512 **CHAPTER 728**

AN ACT TO REIMBURSE GRADY DEANS OF WILSON COUNTY FOR HOSPITAL EXPENSES AND FUNERAL BILLS INCURRED BECAUSE OF INJURIES TO HIS MINOR DAUGHTER, FRANCES DEANS, SUSTAINED ON NOVEMBER SEVENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR, BY THE ALLEGED NEGLIGENT OPERATION OF A SERVICE TRUCK OF THE STATE SCHOOL SYSTEM AND HER SUBSEQUENT DEATH BY REASON OF SAID INJURIES.

WHEREAS, on the seventh day of November, one thousand nine hundred and forty-four, Frances Deans, the minor daughter of Grady Deans, was struck by a service truck operated for the State Board of Education in the servicing of school busses in Wilson County, North Carolina, while said truck was allegedly operated in a careless and negligent manner by the authorized operator thereof and causing personal injuries to said Frances Deans, necessitating hospitalization, and her subsequent death, for which said Grady Deans has incurred medical and hospital expenses and funeral bills in the amount of five hundred thirty-three dollars ($533.00); and

WHEREAS, the said Grady Deans is not authorized by law to recover the moneys expended by him by legal action against the said State Board of Education or the State of North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Grady Deans.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of Grady Deans for injuries resulting in the death of his minor daughter, Frances Deans, necessitating the expenditure of five hundred thirty-three dollars ($533.00) for hospital expenses and funeral bills, and upon production of satisfactory proof that the injuries sustained by the said Frances Deans, resulting in her death, occurred through the negligent operation of the truck by the operator thereof, and that the said Frances Deans did not contribute to her injuries, the said State Board of Education is authorized to pay to the said Grady Deans not in excess of the sum of five hundred thirty-three dollars ($533.00) to reimburse him for moneys expended for the hospitalization and funeral of his minor daughter.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 514 CHAPTER 729

AN ACT TO AMEND CHAPTER NINETY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO REPEAL THE PROVISION THEREIN RELATING TO SETTLEMENT OF CONTROVERSIES OR COMPLAINTS UNDER APPRENTICESHIP AGREEMENTS, AND TO PERMIT THE VOLUNTARY TERMINATION OF APPRENTICESHIP AGREEMENTS.

The General Assembly of North Carolina do enact:

Amending law relating to apprenticeship agreements.

SECTION 1. Subsection eight of Section ninety-four - seven of the General Statutes of North Carolina is hereby amended by placing a period at the end of the word "determination" in lines four and five and by striking out the remainder of the sentence.

SEC. 2. Section ninety-four - ten of the General Statutes of North Carolina is hereby repealed.

SEC. 3. Section ninety-four - eleven of the General Statutes of North Carolina is hereby amended by changing the period at the end thereof to a colon and by adding the following:

Provided, that none of the terms or provisions of this chapter shall apply to any person, firm, corporation or crafts unless, until, and only so long as such person, firm, corporation or crafts

voluntarily elects that the terms and provisions of this chapter shall apply. Any person, firm, corporation or crafts terminating an apprenticeship agreement, shall notify the director of apprenticeship.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 515 **CHAPTER 730**

AN ACT TO COMPENSATE FATHER OF WALTER CLAYTON FOR EXPENSES INCURRED BY HIM ON ACCOUNT OF AN INJURY INFLICTED UPON HIS SON BY THE DRIVER OF A NORTH CAROLINA SCHOOL BUS NEAR HELENA, PERSON COUNTY, NORTH CAROLINA.

WHEREAS, it is contended on or about the first day of November, one thousand nine hundred and forty-three, an accident occurred on the highway near the town of Helena in Person County, North Carolina, in which a school bus, belonging to the State Board of Education and operated by an employee of the said board and assigned to the Helena High School inflicted certain injuries upon one Walter Clayton, a minor son of Burman Clayton, of Person County, North Carolina; and

WHEREAS, it is contended as a result of such injury inflicted on said minor consisting of a broken leg and other bruises and contusions the said father of this minor has suffered damage and expense in a considerable amount; and

WHEREAS, there is no remedy in law available to the father of the said minor by which he might recover his damages in this connection: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The said State Board of Education is hereby authorized to investigate the claim of Burman Clayton, father of Walter Clayton, minor referred to above, and upon the production of proof satisfactory to said board that the injury occurred through the negligent operation of the school bus by an employee of the said Board of Education and that there was no contributory negligence in connection therewith, then in such event the State Board of Education is authorized to pay to Burman Clayton, father of the said minor, such sums not exceeding three hundred dollars ($300.00), as will reimburse him for his loss by reason of such injury to said minor. Payment of damages to Burman and Walter Clayton.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 516 CHAPTER 731

AN ACT TO PROVIDE FOR THE RECEIVING AS PRIMA FACIE EVIDENCE IN ANY COURT, OFFICE OR OTHER PLACE IN THIS STATE, OFFICIAL FINDINGS, RECORDS, REPORTS, OR CERTIFIED COPIES THEREOF, OF DEATH, PRESUMED DEATH, MISSING OR OTHER STATUS, ISSUED BY THE SECRETARIES OF WAR AND NAVY AND OTHER FEDERAL OFFICERS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Providing for certified copies of records of War, Navy and other Federal Departments regarding death, assumed death, missing or other status of service personnel to be accepted as prima facie evidence in court and other places.

SECTION 1. A written finding of presumed death, made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding, pursuant to the Federal Missing Persons Act (56 Stat. 143, 1092, and P. L. 408, Ch. . 371, 2d Sess. 78th Cong.; 50 U. S. C. App. Supp. 1001-17), as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office or other place in this State as prima facie evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.

SEC. 2. An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by the Act referred to in Section one or by any other law of the United States to make same, shall be received in any court, office or other place in this State as prima facie evidence that such person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, as the case may be.

SEC. 3. For the purposes of Section one and Section two of this Act any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said sections, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing same shall prima facie be deemed to have acted within

the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.

SEC. 4. If any provision of this Act or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect any other provision or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. Constitutionality.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 597 CHAPTER 732

AN ACT TO REIMBURSE R. G. ABRAMS OF NASH COUNTY FOR DAMAGES TO HIS AUTOMOBILE THROUGH COLLISION WITH A SCHOOL BUS IN DECEMBER, ONE THUSAND NINE HUNDRED AND FORTY-FOUR.

WHEREAS, it is contended that on or about the twenty-ninth of December, one thousand nine hundred and forty-four, a collision occurred on the corner of Pine and Branch Streets in the Town of Spring Hope, Nash County, North Carolina, between a school bus belonging to the State Board of Education and operated by a colored driver regularly employed by said board, and an automobile owned and operated by R. G. Abrams; and

WHEREAS, as a result of the collision, R. G. Abrams has suffered damages to his automobile; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of R. G. Abrams, and upon his producing satisfactory proof that the collision occurred through the negligent operation of the school bus and that there was no contributory negligence of the driver of the automobile, R. G. Abrams, the State Board of Education is authorized to pay R. G. Abrams such sum, not exceeding forty-five dollars and ninety-five cents ($45.95), as will reimburse him for the actual damage found to be sustained to his automobile. Payment of damages to R. G. Abrams.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 604 CHAPTER 733

AN ACT TO AMEND SECTION TWO - TWENTY-SIX OF THE GENERAL STATUTES SO AS TO ALLOW THE CLERK OF THE SUPERIOR COURT TO COLLECT A FEE FOR RECEIVING SURPLUS MONEYS IN MORTGAGE FORECLOSURES.

The General Assembly of North Carolina do enact:

Allowing Clerk of Superior Court of Wake County to collect fee for receiving surplus moneys in mortgage foreclosures.

SECTION 1. Section two - twenty-six of the General Statutes is hereby amended by striking out the words "except on judgments, decrees, executions, and deposits under Article three of Chapter fifty-four" in line six, seven and eight of the next to the last paragraph of said section, and inserting in lieu thereof the words, "except on judgments, decrees, and executions."

SEC. 1½. This Act shall apply only to Wake County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 606 CHAPTER 734

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND THIRTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN TO FIX THE JUDGMENT FEE OF THE RECORDER'S COURT OF COOLEEMEE, DAVIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section four of Chapter seven hundred thirteen of the Public-Local Laws of one thousand nine hundred and eleven is hereby rewritten to read as follows:

Fixing judgment fee in Recorder's Court of Cooleemee.

SEC. 4. The said recorder shall receive as full compensation for his services the same fees and in the same manner as is now allowed to justices of the peace, except for trial and judgment the fee shall be two dollars and fifty cents ($2.50) for each trial and judgment, and when there is more than one defendant, one dollar ($1.00) for each additional defendant.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 607 **CHAPTER 735**

AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT TO ACT AS TEMPORARY GUARDIAN AND TO RECEIVE AND DISBURSE ALLOTMENTS AND ALLOWANCES MADE TO CHILDREN OF SERVICE MEN.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases where a citizen of this State is serving in the Armed Forces of the United States and has made an allotment or allowance to his child, children or other minor dependents as provided by the War Time Allowances to Service Men's Dependents Act or any other Act of Congress, and the mother of said child, children or other minor dependents or other person of lawful age designated in said allowance or allotment to receive such moneys and disburse them for the benefit of said minor dependents shall die or become mentally incompetent, and such person so serving in the Armed Forces of the United States shall be reported as missing in action or as a prisoner of war and shall be unable to designate another person to receive and disburse said allotment or allowance to said minor dependents; then and in such event the clerk of the superior court of the county of the legal residence of said service man or person serving in the Armed Forces of the United States, is hereby authorized and empowered to act as temporary guardian of such minor dependents for the purpose of receiving and disbursing such allotments and allowance funds for the benefit of such minor dependents. Authorizing Clerk of Superior Court to act as temporary guardian and to receive and disburse allotments and allowances made to children of service men.

SEC. 2. That this Act shall be retroactive in effect and shall apply to all allotments and allowances heretofore accrued and due to such minor dependents as well as to all allotments and allowances that may accrue and become due in the future. This Act to be retroactive.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 640 **CHAPTER 736**

AN ACT TO AMEND SECTION ONE HUNDRED AND TWENTY-FOUR AND SECTION ONE HUNDRED AND TWENTY-SIX OF CHAPTER FIFTEEN PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, AS AMENDED, RELATING TO THE PUBLIC UTILITIES COMMISSION OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Amending law relating to Public Utilities Commission of Elizabeth City.

SECTION 1. That Section one hundred and twenty-four of Chapter fifteen, Private Laws of one thousand nine hundred and twenty-three be, and the same is hereby amended by striking out after the word "of" and before the word "commissioners" in line five thereof the word "five" and inserting in lieu thereof the word "eleven."

Increasing membership of Commission.

SEC. 2. That from and after July first, one thousand nine hundred and forty-five, the Public Utilities Commission shall consist of the present members and the following additional members, such additional members to hold office from July first, one thousand nine hundred and forty-five, for the number of years set opposite their respective names, to-wit:

	Term of Office
1. M. G. Morrisette	three years
2. J. H. Wilkins	three years
3. S. Wade Marr	three years
4. Clarence Sanders	two years
5. C. F. Garrett	two years
6. A. G. Small	two years

Terms of office and filling vacancies.

SEC. 3. That upon the expiration of the term of office above provided for, those appointed to fill said office shall serve for the same period of time following said appointment as the present commissioners, to the end that all of the said commission shall not go out of office in any one year. In the event any of the six additional commissioners named in Section two of this Act should fail or refuse to qualify and serve, the board of aldermen is hereby authorized to appoint substitutes to serve in place of such commissioners as may fail to qualify and serve.

Compensation of members. Election of chairman and other regulations.

SEC. 4. That Section two of Chapter two hundred and forty-nine, Private Laws of one thousand nine hundred and thirty-five be, and the same is hereby repealed. In lieu thereof, the members of said commission shall be paid for their services a salary not to exceed ninety dollars ($90.00) per annum, beginning July first, one thousand nine hundred and forty-five, except that the chairman of said commission may be paid as now provided. That at the first meeting of said commission in July, one thousand nine hundred and forty-five, a chairman thereof shall be elected

to serve for such time as said commission shall provide. Said commission shall not furnish electric current, water or other service at less than cost. Subject to the foregoing provision as to cost, the charges for electric current, water and other service provided by said commission shall be entirely within the discretion of said commission, to be decided upon a majority vote. Except as above provided in this Section four, the commission is not authorized or empowered to lease, rent, convey, encumber, sell or otherwise dispose of any public property, service or utility without the approval of the electors of Elizabeth City, except in an election called and held for such specific purpose. *Provided,* that nothing herein contained shall be construed so as to prevent the commission from disposing of such obsolete or unsuitable supplies or equipment as may accumulate from time to time.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 651 **CHAPTER 737**

AN ACT TO COMPENSATE ROY SIMMONS OF SURRY COUNTY FOR EXPENSES INCURRED BY REASON OF INJURY TO HIS DAUGHTER, MARIAN SIMMONS, BY A PUBLIC SCHOOL BUS ON OCTOBER FIFTH, ONE THOUSAND NINE HUNDRED AND FORTY-TWO.

WHEREAS, it is contended, on October fifth, one thousand nine hundred and forty-two, in Surry County, North Carolina, Marian Simmons, a minor daughter of Roy Simmons of Surry County, was injured by being caught between two public school buses owned and operated by the State Board of Education; and

WHEREAS, it appears that Roy Simmons, father of said minor, has incurred considerable expense as a result of the injury to Marian Simmons by reason of medical and hospital bills in an amount not less than one hundred twenty-nine dollars and fifty cents ($129.50); and

WHEREAS, it appears that there is no legal remedy available to the father of said minor child by which he might recover his expenses and damages in this connection: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of said Roy Simmons and, upon production of proof satisfactory to the board that the accident

Payment of damages to Roy and Marian Simmons.

and resultant injury was caused by the negligent operation of a public school bus by its duly employed driver and that there was no contributory negligence on the part of the said Marian Simmons, minor, then in such event the State Board of Education is authorized to pay to Roy Sommons such sum, not in excess of one hundred twenty-nine dollars and fifty cents ($129.50), as will recompense him for the actual expense and damage found to have been suffered by him as a result of such injury to his minor daughter, Marion Simmons.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 653 CHAPTER 738

AN ACT TO COMPENSATE C. R. FOWLER OF SURRY COUNTY FOR DAMAGE TO HIS AUTOMOBILE BY REASON OF COLLISION WITH A PUBLIC SCHOOL BUS ON DECEMBER FIFTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR, IN SURRY COUNTY.

WHEREAS, it is contended on December fifteenth, one thousand nine hundred and forty-four, on the Elkin Highway in Surry County, North Carolina, a collision occurred between a school bus owned and operated by the State Board of Education and an automobile owned and operated by C. R. Fowler, of Surry County, North Carolina; and

WHEREAS, it appears that C. R. Fowler has suffered damages to his said automobile by reason of said collision in the sum of at least one hundred and twenty dollars and fifteen cents ($120.15), and that there is no legal remedy available to C. R. Fowler by which he might recover said damages: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to C. R. Fowler.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of said C. R. Fowler and, upon production of proof satisfactory to the board that the collision and resultant damage was caused by the negligent operation of the school bus by its duly employed driver, and that there was no contributory negligence on the part of the driver of the automobile of the claimant, then in such event the State Board of Education is authorized to pay to C. R. Fowler such sums not

in excess of one hundred twenty dollars and fifteen cents ($120.15) as will reimbuse him for the actual damage found to have been sustained by his car as a result of such collision.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 675 **CHAPTER 739**

AN ACT TO PLACE MECKLENBURG, CABARRUS, BURKE, AND CATAWBA COUNTIES SUBJECT TO THE INSPECTION OF ICE CREAM PLANTS AND CREAMERIES, ET CETERA, BY AMENDING CHAPTER FOUR HUNDRED AND THIRTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE AND CHAPTER TWO HUNDRED AND NINETY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter four hundred thirty-one of the Public Laws of one thousand nine hundred and thirty-three is hereby amended by striking out all of Section five. Amending law relating inspection of ice cream plants and creameries.

SEC. 2. Chapter two hundred ninety-four of the Public Laws of one thousand nine hundred and thirty-nine is hereby amended by striking out all of Sections two and four.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 693 **CHAPTER 740**

AN ACT TO ARRANGE THE SUPERIOR COURT CALENDAR FOR THE EIGHTH JUDICIAL DISTRICT

The General Assembly of North Carolina do enact:

SECTION 1. There shall be held in the different counties of the Eighth Judicial District terms of the superior court as follows: Arranging terms of Court in 8th Judicial District.

BRUNSWICK COUNTY.

Brunswick County.

Beginning on the sixth Monday before the first Monday in March a term of one week for the trial of civil and criminal cases.

Beginning on the fourth Monday after the first Monday in March a term of one week for the trial of civil cases only.

Beginning on the eleventh Monday after the first Monday in March a term of one week for the trial of civil cases and criminal cases.

Beginning on the first Monday in September a term of one week for the trial of civil and criminal cases.

Beginning on the first Monday after the first Monday in September a term of one week for the trial of civil cases only.

COLUMBUS COUNTY

Columbus County.

Beginning on the fifth Monday before the first Monday in March a term of two weeks for the trial of criminal cases only.

Beginning on the second Monday before the first Monday in March a term of two weeks for the trial of civil cases only.

Beginning on the ninth Monday after the first Monday in March a term of one week for the trial of criminal cases only.

Beginning on the fifteenth Monday after the first Monday in March a term of two weeks for the trial of civil and criminal cases.

Beginning on the first Monday before the first Monday in September a term of one week for the trial of criminal cases only.

Beginning on the third Monday after the first Monday in September a term of two weeks for the trial of civil cases only.

Beginning on the tenth Monday after the first Monday in September a term of one week for the trial of criminal cases only.

Beginning on the eleventh Monday after the first Monday in September a term of two weeks for the trial of civil cases only.

NEW HANOVER COUNTY

New Hanover County.

Beginning on the seventh Monday before the first Monday in March a term of one week for the trial of criminal cases only.

Beginning on the fourth Monday before the first Monday in March a term of two weeks for the trial of civil cases only.

Beginning on the first Monday after the first Monday in March a term of two weeks for the trial of civil and criminal cases.

Beginning on the fifth Monday after the first Monday in March a term of two weeks for the trial of civil cases only.

Beginning on the tenth Monday after the first Monday in March a term of one week for the trial of criminal cases only.

Beginning on the twelfth Monday after the first Monday in March a term of two weeks for the trial of civil cases only.

Beginning on the fourteenth Monday after the first Monday in March a term of one week for the trial of criminal cases only.

Beginning on the sixth Monday before the first Monday in September a term of one week for the trial of criminal cases only.

Beginning on the third Monday before the first Monday in September a term of one week for the trial of civil cases only.

Beginning on the second Monday before the first Monday in September a term of one week for the trial of criminal cases only.

Beginning on the fifth Monday after the first Monday in September a term of two weeks for the trial of civil cases only.

Beginning on the eighth Monday after the first Monday in September a term of one week for the trial of criminal cases only.

Beginning on the ninth Monday after the first Monday in September a term of one week for the trial of civil and criminal cases.

Beginning on the thirteenth Monday after the first Monday in September a term of two weeks for the trial of civil cases only.

PENDER COUNTY

Pender County.

Beginning on the eighth Monday before the first Monday in March a term of one week for the trial of civil and criminal cases.

Beginning on the third Monday after the first Monday in March a term of one week for the trial of civil cases only.

Beginning on the eighth Monday after the first Monday in March a term of one week for the trial of civil and criminal cases.

Beginning on the seventh Monday before the first Monday in September a term of one week for the trial of civil cases only.

Beginning on the second Monday after the first Monday in September a term of one week for the trial of criminal cases only.

Beginning on the seventh Monday after the first Monday in September a term of one week for the trial of civil cases only.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed, and the several terms of court in the counties of the Eighth Judicial District shall be held in accordance with the provisions of Section one hereof.

SEC. 3. This Act shall be in force and effect from and after June thirtieth, one thousand nine hundred and forty-five.

Ratified this the 17th day of March, 1945.

H. B. 695 CHAPTER 741

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF GLENWOOD IN McDOWELL COUNTY, NORTH CAROLINA, AND TO PROVIDE MACHINERY FOR THE DISPOSITION OF THE ASSETS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Repealing Charter of Glenwood.

SECTION 1. That, whereas, the Town of Glenwood in McDowell County, North Carolina, has ceased to function as a municipality and has held no elections and levied no taxes since the year one thousand nine hundred and twenty-seven; and, whereas, said town has no indebtedness whatsoever and has no funds on hand or other assets except a cemetery plot, and the citizens of said town desire to repeal the charter of said municipality, therefore, be it enacted that Chapter one hundred and thirty-four and Chapter three hundred and eighty-one of the Private Laws of one thousand nine hundred and nine and all Acts mandatory thereto, be, and the same are, hereby repealed.

Dissolving corporate existing.

SEC. 2. That from and after the ratification of this Act the corporate existence of the Town of Glenwood in McDowell County, North Carolina, shall cease and terminate.

Disposition of assets.

SEC. 3. That upon the ratification of this Act title to that certain tract of land in Glenwood Township, McDowell County, known as the Glenwood Cemetery and fully described in a deed from W. A. Goforth and wife, M. L. Goforth, to The Corporation of the Village of Glenwood (or Town Commissioners), dated November eighteenth, one thousand nine hundred and thirteen, and recorded in the office of the Register of Deeds for McDowell County in Deed Book forty-six at Page four hundred and thirty-one, shall be and become vested in C. Y. Mode, Lonnie Morgan and J. M. Lawing, as Trustees of Glenwood Cemetery, to be by said trustees held, managed and disposed of for the following uses and purposes and none other, to-wit:

(a) To sell and convey by proper deed plots in said cemetery to be used for the burial of dead human beings, for such prices and upon such terms as said trustees shall determine by majority vote from time to time.

(b) To use all the proceeds from the sale of the lots in said cemetery for the perpetual care, maintenance and upkeep of said cemetery and the graves therein located.

(c) That said Board of Trustees for Glenwood Cemetery shall be a permanent and self-perpetuating body and shall receive no compensation for their services, and upon the death or resignation of a trustee the two remaining trustees shall appoint a citizen of Glenwood Township, McDowell County, to fill the vacancy thereby created and such appointee shall succeed to all the rights, powers and duties of such deceased or resigned trustee.

(d) That in the event two or more of said trustees shall die or resign and no successors shall be appointed to succeed them as provided in Paragraph (c) of this section, then the Board of County Commissioners of McDowell County be, and it is hereby authorized, empowered and directed to name and appoint some citizen or citizens of Glenwood Township to succeed such deceased or resigned trustees, and upon such appointment, duly recorded in the minutes of said board of county commissioners, such appointees shall be and become trustees of said Glenwood Cemetery and shall succeed to all of the rights, powers and duties by this Act granted to and imposed upon the original trustees hereinabove named.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 715 CHAPTER 742

AN ACT TO RESTRICT THE AUTHORITY OF CONSTABLES TO THE LIMITS OF THE TOWNSHIPS FROM WHICH THEY ARE ELECTED IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter three hundred sixty-four of the Public Laws of one thousand nine hundred and forty-one is hereby amended by adding at the end of Section two, the following: And Durham County. Restricting authority of Constables to their own townships in Durham County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 734 **CHAPTER 743**

AN ACT TO CLARIFY CERTAIN SECTIONS IN THE GENERAL STATUTES RELATING TO BANKS, AND TO CORRECT AN ERROR IN HOUSE BILL NUMBER ONE HUNDRED AND TWENTY-SEVEN.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter fifty-three of the General Statutes is hereby amended as follows:

(1) Section fifty-three - one is hereby amended by rewriting the second paragraph to read as follows:

Defining a bank.

The term "bank" shall be construed to mean any corporation, other than building and loan associations, industrial banks, and credit unions, receiving, soliciting, or accepting money or its equivalent on deposit as a business.

(2) Repeal Section fifty-three - one hundred and three.

(3) Section fifty-three - one hundred and four is hereby amended as follows:

(a) Strike out the first sentence and insert in lieu thereof the following:

All persons doing banking business, placed under supervision of Commissioner of Banks.

Every bank or corporation transacting the business of banking, or doing a banking business in connection with any other business, under the laws of and within this State, and any individual, partnership, association, or corporation which undertakes or attempts to transact the business of banking, or do a banking business in connection with any other business, shall be under the supervision of the Commissioner of Banks.

(b) Strike out the first part of the second sentence through the first "and" in line eleven and capitalize the following word "it."

(4) Section fifty-three - one hundred and thirty-six is hereby amended by rewriting said section to read as follows:

Defining industrial banks.

SEC. 53-136. Industrial bank defined. The term "industrial bank" as used in this article shall be construed to mean any corporation organized or authorized under this article which is en-

gaged in receiving, soliciting, or accepting money or its equivalent on deposit and in lending money to be repaid in weekly, monthly, or other periodical installments or principal sums as a business: *Provided, however,* this definition shall not be construed to include building and loan associations, commercial banks, or credit unions.

(5) Section fifty-three - one hundred and thirty-seven is hereby amended by rewriting said section to read as follows:

Procedure in organizing an industrial bank.

SEC. 53-137. Manner of organization. Any number of persons, not less than five, may organize an industrial bank by setting forth in a certificate of incorporation, under their hands and seals, the following:

1. The name of the industrial bank.

2. The location of its principal office in this State.

3. The nature of its business.

4. The amount of its authorized capital stock which shall be divided into shares of ten, twenty, twenty-five, fifty, or one hundred dollars each: *Provided* fractional shares may be issued for the purpose of complying with the requirements of Section fifty-three - eighty-eight.

5. The names and post office addresses of subscribers for stock, and the number of shares subscribed by each. The aggregate of such subscriptions shall be the amount of the capital with which the industrial bank will begin business.

6. Period, if any, limited for the duration of the industrial bank.

This section shall not apply to banks organized and doing business prior to the adoption of this section.

(6) Section fifty-three - one hundred and forty-five is hereby amended as follows:

(a) Insert in the first sentence in their proper numerical order, the following sections: Sections fifty-three - six, fifty-three - twenty-two, fifty-three - twenty-three, fifty-three - sixty-eight, fifty-three - seventy, fifty-three - seventy-one, fifty-three - seventy-two, fifty-three - seventy-three, fifty-three - seventy-four, fifty-three - eighty-five, fifty-three - one hundred and eight, fifty-three - one hundred and eleven, fifty-three - one hundred and twelve, fifty-three - one hundred and twenty-six and fifty-three - one hundred and thirty-three.

(b) Insert in the second sentence in their proper numerical order, the following sections: Sections fifty-three - fifty-eight, fifty-three - fifty-nine, fifty-three - sixty-one, fifty-three - sixty-

six, fifty-three - one hundred and thirteen and fifty-three - one hundred and thirty-five.

(7) Insert a new article to read as follows:

ARTICLE 14. Banks Acting in a Fiduciary Capacity.

Authorizing Banks to act as fiduciary.

SEC. 53-159. Banks may act as fiduciary. Any bank licensed by the Commissioner of Banks, where such powers or privileges are granted it in its charter, may be guardian, trustee, assignee, receiver, executor or administrator in this State without giving any bond; and the clerks of the superior courts, or other officers charged with the duty or clothed with the power of making such appointments, are authorized to appoint such bank to any such office.

Relating to licensing banks to do business.

SEC. 53-160. License to do business. Before any such bank is authorized to act in any fiduciary capacity without bond, it must be licensed by the Commissioner of Banks of the State. For such license the licensee shall pay to the State Banking Commission an annual license fee of two hundred dollars ($200.00), which shall be remitted to the State Treasurer for the use of the Commissioner of Banks in the supervision of banks acting in a fiduciary capacity, in so far as it may be necessary, and the surplus, if any, shall remain in the State Treasury for the use of the general fund of the State.

Examination.

SEC. 53-161. Examination as to solvency. The Commissioner of Banks shall examine into the solvency of such bank, and shall, if he deem it necessary, at the expense of the bank, make or cause to be made an examination at its home office of its assets and liabilities.

Certificate of solvency.

SEC. 53-162. Certificate of solvency. After any such bank has been licensed by the Commissioner of Banks, a certificate issued by the Commissioner of Banks, showing the bank to be solvent to an amount not less than one hundred thousand dollars ($100,000.00), shall authorize such bank to act in a fiduciary capacity without bond. There shall be no charge for the seal of this certificate.

Notice to Clerk of Superior Court.

SEC. 53-163. Clerk of Superior Court notified of license and revocation. The Commissioner of Banks, upon granting license to any such bank, shall immediately notify the clerk of the superior court of each county in the State that such bank has been licensed under this article, and, whenever the Commissioner of Banks is satisfied that any bank licensed by him has become insolvent, or is in imminent danger of insolvency, he shall revoke the license granted to such bank and notify the clerk of the superior court of each county in the State of the revocation. After such notification, the right of any such bank to act in a fiduciary capacity shall cease.

SEC. 2. Sections fifty-eight - one hundred and thirteen through fifty-eight - one hundred and eighteen, inclusive, of the General Statutes are hereby repealed.

SEC. 3. House Bill Number one hundred and twenty-seven, ratified by the General Assembly on the fourteenth day of February, one thousand nine hundred and forty-five, is hereby amended by striking out the word "from" in line eleven of Section three thereof, and inserting in lieu thereof the word "to."

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 743 **CHAPTER 744**

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF GRAHAM COUNTY OR OF ANY CITY OR TOWN IN SAID COUNTY TO INSTITUTE PROCEEDINGS FOR THE CONDEMNATION OF LAND FOR HOSPITAL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Graham County or the governing authority of any city or town in said county, is hereby authorized and empowered to institute condemnation proceedings for the purpose of acquiring any property necessary for hospital purposes. Said proceedings may be instituted only in those cases in which the governing authority of such county, city or town and the owners of any such property cannot agree as to the price to be paid therefor. That said proceedings shall be instituted by such governing body and prosecuted in the name of the county, township or town wherein such hospital is to be located, and the provisions of law and the procedure prescribed and set forth in Chapter forty of the General Statutes of North Carolina, the same being entitled "Eminent Domain," shall govern and apply to any proceedings for condemnation of land instituted by virtue of the authority of this Act. Authorizing condemnation proceedings for hospital purposes in Graham County.

SEC. 2. That the right of condemnation herein given shall apply to any public hospitals established under Chapter one hundred and thirty-one of the General Statutes of North Carolina or to any hospital required by law to accept charitable cases at the expense of said county, city or town, or any hospital required to accept the indigent poor of such county, city or town,

or any hospital supported or maintained by public funds derived from said county, city or town.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 747 **CHAPTER 745**

AN ACT TO RATIFY AND VALIDATE THE ACTS OF THE BOARD OF COUNTY COMMISSIONERS OF BERTIE COUNTY AND THE TAX COLLECTOR OF BERTIE COUNTY RELATING TO THE ADVERTISEMENT AND SALE OF DELINQUENT TAXES FOR THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

The General Assembly of North Carolina do enact:

Validating certain acts of Commissioners of Bertie County.

SECTION 1. That all acts and things done by the Board of County Commissioners of Bertie County in levying taxes for the year one thousand nine hundred and forty-three (1943) be, and the same are hereby in all respects validated.

SEC. 2. That all acts and things done by the Board of County Commissioners of Bertie County and the Tax Collector of Bertie County relating to the sales of lands of the delinquent taxpayers for taxes due said county for the year one thousand nine hundred and forty-three (1943) be, and the same are hereby in all respects validated.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 753 **CHAPTER 746**

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE AND CHAPTER ONE HUNDRED AND FORTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE CHARTER OF THE CITY OF HIGH POINT WITH REFERENCE TO THE COMPENSATION OF THE MEMBERS OF THE GOVERNING BODY, AND CLARIFYING THE RELATION OF THE HEALTH DEPARTMENT WITH THE STATE MERIT SYSTEM.

The General Assembly of North Carolina do enact:

Amending Charter of High Point.

SECTION 1. That Article three, Section seven of Chapter one hundred and seven of the Private Laws of one thousand nine hundred and thirty-one be amended by striking out said section and rewriting same as follows: Beginning July first, one thousand nine hundred and forty-five the compensation of the Mayor of the City of High Point shall be six hundred ($600.00) dollars a year and the compensation of each councilman shall be four hundred and twenty ($420.00) dollars a year.

SEC. 2. That Article four, Section two of the Public-Local Laws of one thousand nine hundred and thirty-one be amended by changing the word "shall" to the word "may" in line twenty-two of said section.

SEC. 3. That Article fourteen of the Public-Local and Private Laws of one thousand nine hundred and thirty-seven be amended by adding the following section after Section six and before Section seven thereof:

Relating to Health Department of High Point.

SEC. 6½. Nothing in this article shall apply to the Health Department of the City of High Point wherein it may conflict with Chapter three hundred and seventy-eight of the Public Laws of one thousand nine hundred and forty-one; and the governing body of the City of High Point is hereby authorized to comply with all laws governing the State Merit System Council.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification except as hereinbefore provided.

Ratified this the 17th day of March, 1945.

H. B. 766 CHAPTER 747

AN ACT TO SEPARATE THE OFFICES OF THE SHERIFF AND JAILER FOR ANSON COUNTY, AND AUTHORIZING THE BOARD OF COMMISSIONERS OF SAID COUNTY TO APPOINT A JAILER.

The General Assembly of North Carolina do enact:

Giving Commissioners of Anson County control of jail.

SECTION 1. The Board of Commissioners of Anson County shall have full and complete supervision of the county jail for said county and the grounds adjacent thereto.

Authorizing appointment of jailer by Commissioners.

SEC. 2. The said Board of Commissioners of Anson County shall have full power and authority to name and designate the jailer and such other assistants as in the opinion of said board shall be necessary to properly maintain, operate and supervise the said jail and the inmates therein, and to prescribe the rules and regulations and general policies of such operation, maintenance and supervision of said jail, and to prescribe the duties of said jailer and his assistants, and to require, if deemed necessary, the giving of a bond for the faithful performance of their duties.

Salary to be fixed by Commissioners.

SEC. 3. The said Board of Commissioners of Anson County shall have the full power and authority to determine and fix the salary or other compensation which the jailer and other employees assigned under him shall receive.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed, and the said board of commissioners shall be entitled to immediately place the care and custody of the Anson County Jail into the keeping of whomsoever it may appoint following the ratification of this Act.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 791 CHAPTER 748

AN ACT RELATING TO THE STOCK LAW AS IT APPLIES TO CURRITUCK COUNTY BY AMENDING CHAPTER THREE HUNDRED AND EIGHTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN AS AMENDED.

The General Assembly of North Carolina do enact:

Amending stock law for Currituck County.

SECTION 1. That Section one of Chapter three hundred eighty-nine of the Public Laws of one thousand nine hundred thirty-seven, as amended by Chapter ninety-six of the Public

Laws of one thousand nine hundred thirty-nine, be further amended by adding at the end of said section, the following: *Provided* that Section one not apply to cattle.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 797 CHAPTER 749

AN ACT TO FIX THE SALARY OF THE COUNTY MANAGER OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of Manager of Haywood County.

SECTION 1. Amend Section three of Chapter four hundred and eighty-eight of the Public-Local Laws of the Session of one thousand nine hundred and thirty-nine by striking out the words "fifteen hundred" as same appear in line eleven of said section and by inserting in lieu thereof the words "twenty-four hundred."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect as of January first, one thousand nine hundred and forty-five.

Ratified this the 17th day of March, 1945.

H. B. 799 CHAPTER 750

AN ACT TO FIX THE SALARY OF THE TAX SUPERVISOR AND TAX COLLECTOR FOR HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of Tax Supervisor & Collector for Haywood County.

SECTION 1. That, effective January first, one thousand nine hundred and forty-five, the salary of the Tax Supervisor and Tax Collector for Haywood County be, and it is hereby, fiixed at the sum of two thousand and five hundred dollars ($2,500.00) per year, the same to be paid in equal monthly installments, which said sum shall be in addition to the salary or salaries of any assistant or assistants to be appointed by the Board of Commissioners of Haywood County and such salary or salaries fixed by it.

Repealing inconsistent laws.

SEC. 2. That any provisions of law contained in Section two of Chapter three hundred and eighty-three of the Public-Local Laws of one thousand nine hundred and thirty-seven, and contained in Section one of Chapter two hundred and twenty-six of the Public-Local Laws of one thousand nine hundred and thirty-five, inconsistent with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective January 1, 1945.

SEC. 4. That this Act shall be in full force and effect as of January first, one thousand nine hundred and forty-five.

Ratified this the 17th day of March, 1945.

H. B. 801 CHAPTER 751

AN ACT PERMITTING THE TOWN OF SPENCER AND THE CITY OF SALISBURY TO EXTEND THE TIME FOR PAYMENT OF SPECIAL ASSESSMENTS.

The General Assembly of North Carolina do enact:

Authorizing Salisbury and Spencer to extend certain special assessments.

SECTION 1. At any time or times prior to March first, one thousand nine hundred and forty-seven, the governing bodies of the Town of Spencer and the City of Salisbury may adopt a resolution granting an extension of the time for the payment of any installment or installments of any special assessment, including accrued interest thereon and costs accrued in any action to foreclose under the lien thereon, by arranging such installement or installments, interest and costs, into a new series of ten equal installments so that one of said installments shall fall due on the first day of October after the expiration of one year after adoption of the aforesaid resolution and one of said installments on the first day of October of each year thereafter. Accrued interest on any installment or installments of any special assessment extended under the provisions of this section shall be computed to October first following the adoption of said resolution: *Provided, however,* that such extension shall not prevent the payment of any assessment or interest at any time; *provided, further,* no such extension shall in any way discriminate in favor of or against any property assessed by virtue of said assessment roll within said town or city: *Provided further,* that any installment or installments, together with accrued interest and costs extended in accordance with the provisions of this section shall bear interest at the rate of (6%) six per cent per annum from October first following the adoption of the aforesaid resolution.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

H. B. 811 **CHAPTER 752**

AN ACT TO AMEND AND SUPPLEMENT THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, THE SAME BEING CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED AND SUPPLEMENTED, AND AS CODIFIED IN THE PUBLICATION ENTITLED "REVENUE ACT" ISSUED BY THE SECRETARY OF STATE UNDER AUTHORITY OF SECTION TEN, CHAPTER FOUR HUNDRED, SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, SO AS TO MODIFY THE PROVISIONS AND RATES IN THE TAXATION OF INSURANCE COMPANIES AND MAINTAIN AND RAISE REVENUE.

The General Assembly of North Carolina do enact:

PURPOSE OF ACT.

Amending Revenue Act with respect to insurance companies.

The purpose of this Act is to amend and supplement the Revenue Act of one thousand nine hundred and thirty-nine, as amended, so as to provide for the more equitable taxation of insurance companies operating in this State, and to raise and provide revenue for the purpose therein set forth.

That the Revenue Act of one thousand nine hundred and thirty-nine, the same being Chapter one hundred and fifty-eight of the Public Laws of one thousand and nine hundred and thirty-nine, as amended and supplemented, and as codified in the publication entitled "Revenue Act" issued by the Secretary of State under authority of Section ten, Chapter four hundred, Session Laws of one thousand nine hundred and forty-three, be, and the same is hereby, amended and supplemented as hereinafter provided in this Act, that is to say:

Amending Article III.

SECTION 1. Amend Article III as follows:

(a) By striking out Section two hundred and eight.

(b) By changing the number of Section two hundred eight and one half to Section two hundred and eight.

New Article IX-B, Schedule I-B.

SEC. 2. That a new article or schedule be inserted immediately following Article IX-A, Schedule I-A to be designated as Article IX-B, Schedule I-B, to read as follows:

ARTICLE IX-B

SCHEDULE I-B

Taxes Upon Insurance Companies

SEC. 870. To Whom This Article Shall Apply.

Persons to whom the Schedule applies.

The provisions of this article shall apply to every person, firm, corporation, association, society, or order operating in this State, hereinafter to be referred to as insurance company, which contracts or offers on his, their, or its account to issue any policy or contract for annuities or insurance as defined in Section fifty-eight—three of the General Statutes of North Carolina as amended, or to exchange or issue reciprocal of inter-insurance contracts, or to function as a rate making bureau or association, or to serve as an underwriters agency. Said provisions shall likewise apply to any person, firm or corporation who or which shall be a broker, organizer, manager, or agent, whether local, special or general, of any insurance company, and to self-insurers under the provisions of the Workmen's Compensation Act.

SEC. 871. Annual Registration Fees for Insurance Companies.

Annual Registration Fees to be paid by insurance companies.

Each and every insurance company shall, as a condition precedent for doing business in this State, between March sixteenth and the first day of April in one thousand nine hundred and forty-five and on or before April first of each year thereafter apply for and obtain from the Commissioner of Insurance a certificate of registration, or license, and shall pay for such certificate the following annual fees except as hereinafter provided in Subdivisions (a) and (b):

For each farmer's mutual assessment fire insurance company or association operating in not more than five counties $10.00

For each fraternal order 25.00

For each of all other insurance companies, except mutual burial associations taxed under Section two hundred and eight 300.00

The fees levied above shall be in addition to those specified in Section fifty-eight - sixty-three of the General Statutes of North Carolina.

(a) When the paid in capital stock and/or surplus of an insurance company other than a farmer's mutual assessment company or a fraternal order does not exceed one hundred thousand dollars, ($100,000.00), the fee levied in this section shall be one half the amount above specified.

(b) Upon payment of the fee specified above and the fees and taxes elsewhere specified each insurance company, exchange, bureau, or agency, shall be entitled to do the types of business specified in Chapter fifty-eight, of the General Statutes of North Carolina as amended, to the extent authorized therein, except that: insurance companies authorized to do either the types of business specified for (A) life insurance companies, or (B) for fire and marine companies, or (C) for casualty and fidelity and surety companies, in Section fifty-eight - seventy-seven of the General Statutes of North Carolina as amended, which shall also do the types of business authorized in one or both of the other of the above classifications shall in addition to the fees above specified pay one hundred dollars ($100.00) for each such additional classification of business done.

Exempting Rating Bureau established by General Assembly.

(c) Any rating bureau established by action of the General Assembly of North Carolina shall be exempt from the fees above levied.

SEC. 872. Taxes Measured by Gross Premiums.

Taxes to be determined by gross income.

Each and every insurance company shall annually pay to the Commissioner of Insurance a tax measured by gross premiums as hereinafter defined, collected in the preceding calendar year, at the time and at the rates hereinaftre specified. Gross premiums shall, for the purposes of the taxes levied in this section, mean the premiums collected for annuity and life policies issued to or the premiums of which are paid by residents of this State, or for any contracts of insurance covering persons resident in, risks within, or property located in this State, or for contracts of insurance required to be carried by the Workmen's Compensation Act (or the equivalent of such premiums in the case of self-insurers), whether such premiums are designated as premiums, deposits, premium deposits, policy fees, membership fees, or assessments. The amount of such gross premiums shall be determined on the basis of the gross premiums as provided in the policy contracts, new and renewal, other than contracts for reinsurance, whether paid in part or in whole by cash, notes, loans, automatic premium loans, applied dividends, or in any other manner whatsoever, with no deduction for dividends, whether returned in cash or allowed in payment or reduction of premiums or for additional insurance and without any other deduction except for return of premiums, deposits, fees or assessments for adjustment of policy rates or for cancellation or surrender of policies, excluding cash surrender values. In determining the amount of direct premiums taxable in this State all gross premiums received in this State or paid for policies written or procured in this State shall be deemed to be for persons, property or risks resident or located in this State, except for such premiums as are properly reported and properly allocated as being received from

business done in some other nation, territory, state or states, and except for premiums from policies written in Federal areas for persons in military service who pay premiums by assignment of service pay.

On the basis of the gross amount of premiums, as above defined, each company or self-insurer shall pay as to:

The amounts collected on contracts applicable to liabilities under the Workmen's Compensation Act, or the equivalent thereof in the case of self-insurers, a tax of four per cent (4%).

The amounts collected on annuities and all other contracts of insurance a tax of two per cent (2%).

The taxes levied herein measured by premiums shall be in lieu of all other taxes upon insurance companies except: fees and licenses under this article, or as specified in Chapter fifty-eight of the General Statutes of North Carolina as amended; taxes imposed by Chapter one hundred and eighteen of the General Statutes of North Carolina; and ad valorem taxes upon real property and personal property owned in this State.

For the tax above levied as measured by gross premiums the president, secretary, or other executive officer of each insurance company doing business in this State shall within the first fifteen days of March in one thousand nine hundred and forty-six and in each year thereafter file with the Commissioner of Insurance a full and accurate report of the total gross premiums as above defined collected in this State during the preceding calendar year. The report shall be in such form and contain such information as the Commissioner of Insurance may specify, and the report shall be verified by the oath of the company official transmitting the same or by some principal officer at the home or head office of the company or association in this country. At the time of making such report the taxes above levied with respect to the gross premiums shall be paid to the Commissioner of Insurance. The provisions above shall likewise apply as to reports and taxes for any firm, corporation, or association exchanging reciprocal or inter-insurance contracts, and said reports and taxes shall be transmitted by their attorneys in fact.

Exceptions.

The provisions as to reports and taxes as measured by gross premiums shall not apply to farmer's mutual assessment fire insurance companies above specified or to fraternal orders or societies that do not operate for a profit and do not issue policies on any person except members.

SEC. 873. Taxes in Case of Withdrawal from State.

Taxes in case of withdrawal from State.

Any insurance company which for any cause withdraws from this State or ceases to register and transact new business in

this State shall be liable for the taxes specified in Section eight hundred and seventy-two with respect to gross premiums collected in the calendar year in which such withdrawal may occur. In case any company which was formerly licensed or registered in this State and which subsequently ceased to do business therein, may apply to reenter this State, application for reentry or renewal of registration shall be denied unless and until said company shall have paid all taxes, together with any penalties and interest, due as to premiums collected in the year of withdrawal and also taxes as specified in Section eight hundred and seventy-two for gross premiums collected in the calendar year next preceding the year in which such application for renewal of registration is made.

SEC. 874. Registration Fees for Agents, Brokers and Others.

Registration fees for agents, brokers and others.

Each and every special or district agent, manager, or organizer, general agent, local canvassing agent, resident or non-resident adjuster, or non-resident broker, representing any company referred to in this article, shall between March sixteenth and the first day of April in one thousand nine hundred and forty-five and on or before April first of each year hereafter apply for and obtain from the Commissioner of Insurance an annual certificate of registration, or license, and shall pay for such certificate for each company represented the following annual fee:

Special or district agent, manager, or organizer (including seal)	$ 5.00
General Agent	6.00
Local or canvassing agent (including seal)	2.50
Insurance Adjuster	3.00
Nonresident Broker	10.00

Any person not registered as an insurance agent on April first, one thousand nine hundred and thirty-one and applying for registration thereafter, shall pay an examination fee of ten dollars ($10.00), to be paid to the Commissioner of Insurance as other fees and taxes; *provided,* agents for farm mutual assessments fire insurance companies specified in Section eight hundred and seventy-two shall not be required to take an examination and pay the examination fee.

In the event a certificate issued under this section is lost or destroyed the Commissioner of Insurance, for a fee of fifty cents (50c) may certify to its issuance, giving number, date, and form, which may be used by the original party named thereon in lieu of the annual certificate. There shall be no charge for the seal attached to such certification.

SEC. 875. Uniformity of Taxes.

Fees and taxes imposed hereunder shall be uniform.

No fees or taxes imposed in this article shall be increased on account of any retaliatory law now in effect in this or any other State, but such fees and taxes shall apply to all insurance companies alike, as specified in this article, without regard to state, territory or country of domicile or location of home office, and without regard to any fees or taxes which may be levied by any jurisdiction in which any company may be domiciled or have its home office.

SEC. 876. Powers of the Commissioner of Insurance.

All provisions of the Revenue Act, as amended, not inconsistent with this article, relating to administration, auditing and making returns, promulgation of rules and regulations, the imposition and collection of tax, and the lien thereof, assessments, refunds and penalties, shall be applicable to the fees and taxes imposed in this article; and with respect thereto, the Commissioner of Insurance is hereby given the same power and authority as is given to the Commissioner of Revenue under the provision of the Revenue Act, as amended.

SEC. 877. No Additional Local Taxes.

Counties, cities and towns cannot collect taxes on insurance companies, other than ad valorem.

No county, city, or town shall be allowed to impose any additional tax, license, or fee, other than ad valorem taxes, upon any insurance company or association paying the fees and taxes levied in this article.

SEC. 878. Severance Clause.

Constitutionality.

If any portion or provision of this article, or of any section therein, is declared by a court of competent jurisdiction to be unconstitutional or invalid the remainder of the article, or section, shall be considered severable and shall not be affected by such declaration of invalidity. Further, any fees and/or taxes levied in this article shall be considered severable pro rata as to parts of a year by months, and those applicable to the remainder of any year shall not be affected by any declaration of invalidity by the courts as to the tax for a part of a year. In the case any fees and/or taxes levied in this article shall be declared by the courts to be invalid as to any insurance company for any years, year, or part of a year, the fees and/or taxes levied under the provisions of the Revenue Act of one thousand nine hundred and thirty-nine, as amended, in effect as of December thirty-first, one thousand nine hundred and forty-four shall apply as to such years, year, or part of a year on a pro rata basis, to such company in lieu of the fees and/or taxes imposed in this article which may be declared invalid.

SEC. 879. Effective Date of this Article.

The provisions of this article shall become effective from and after ratification and shall be effective as to all fees and taxes levied herein which become due and payable after March fifteenth, one thousand nine hundred and forty-five. Effective date.

SEC. 3. Amend Article IV as follows:

(a) By striking out in Section three hundred and eleven, Paragraph (f) of Subdivision two of Subsection II on Page one hundred and forty. Amending Article IV.

(b) By adding to the end of Section three hundred and fourteen a new subsection to be numbered eleven and to read as follows:

11. Insurance companies paying the tax on gross premiums as specified in Section eight hundred and seventy-two.

(c) By adding in Section three hundred and twenty-two to the end of Subsection five the following: In the case of insurance companies taxed under the provisions of Section eight hundred and seventy-two the dividends from stock in domestic insurance corporations shall be deductible and a proportionate part of any dividends received from stock in foreign insurance corporations shall be deductible, such part to be determined on the basis of the ratio of premiums reported for taxation in this State to total premiums collected both in and out of the State.

(d) By striking out in Section three hundred and seventeen, the Subdivision (f) of Subsection two beginning on Page one hundred and forty-seven and ending on Page one hundred and forty-eight.

SEC. 4. Amend Article VIII, Section seven hundred and five by inserting the word "domestic" in the second line of the second paragraph between the word "or" and the word "insurance" and by striking out in lines three and four of said second paragraph the words "not exempted from an income tax under Subsection F of Section three hundred eleven." Amending Article VIII.

Further amend said Section seven hundred and five by adding to the end of the second paragraph the following: In the case of foreign insurance corporations paying tax on gross premiums under the provisions of Section eight hundred and seventy-two there shall be exempt that proportion of the fair market value of the shares of stock as is represented by the percentage of total gross premiums of such corporations taxed in this State.

SEC. 5. Whenever under the provisions of this Act an amendment is made to the publication entitled "Revenue Act," issued by the Secretary of State under authority of Section ten, Chap-

ter four hundred, Session Laws of one thousand nine hundred and forty-three, it shall be deemed to be also an amendment to the corresponding sections of the General Statutes of North Carolina in which the Revenue Act of one thousand nine hundred and thirty-nine, as amended, is codified.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. Unless otherwise expressly provided herein, the provisions of this Act shall be in full force and effect from and after ratification and shall be in effect as to all fees and taxes affected hereby which shall become due and payable after March fifteenth, one thousand nine hundred and forty-five. The provisions of the Revenue Act of one thousand nine hundred and thirty-nine, as amended, in effect December thirty-first, one thousand nine hundred and forty-four shall govern with respect to reports and taxes on premiums received by insurance companies through December thirty-first, one thousand nine hundred and forty-four, and on income received in the calendar year one thousand nine hundred and forty-four.

Ratified this the 17th day of March, 1945.

H. B. 815 CHAPTER 753

AN ACT TO PERMIT REVENUE COLLECTED FROM COUNTY TAXES IN PASQUOTANK COUNTY FIVE YEARS OR MORE IN ARREARS, TO BE PLACED IN THE GENERAL FUND OF THE COUNTY.

The General Assembly of North Carolina do enact:

Allowing funds collected in Pasquotank County from taxes 5 or more years in arrears to be placed in general fund.

SECTION 1. All revenue collected from county taxes, tax sales certificates, tax notes, or other evidence of tax liability in Pasquotank County, which are five years, or more, in arrears, may be placed in the general fund of the county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

S. B. 63 **CHAPTER 754**

AN ACT TO REIMBURSE C. C. COX OF FORSYTH COUNTY FOR DAMAGES TO HIS AUTOMOBILE BY A SCHOOL BUS ON JANUARY FIFTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

WHEREAS, it is contended that on the fifteenth day of January, one thousand nine hundred and forty-five, the automobile of C. C. Cox of Forsyth County, North Carolina, while being operated by Paul Kivett, was backed into on the Polo Road just North of the City of Winston-Salem, North Carolina, by the negligent operation of a school bus belonging to the State Board of Education and operated by Howard Darnell, the driver regularly employed and paid by the State Board of Education; and

WHEREAS, as a result of said collision, C. C. Cox has suffered damages to his automobile: Now, therefore,

The General Assembly of North Carolina do enact:

SECTIONS 1. The State Board of Education is hereby authorized to investigate the claim of C. C. Cox, referred to above, and upon production of satisfactory proof that the collision and damage occurred through the negligent operation of the school bus and that there was no contributory negligence on the part of the said Paul Kivett in the operation of the automobile at the time of the collision, the State Board of Education is authorized to pay C. C. Cox such sum, not exceeding sixty-eight dollars and eighty-six cents ($68.86), as will reimburse him for the actual damage found to be sustained to his automobile. **Payment of damages to C. C. Cox.**

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. **Conflicting laws repealed.**

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 130 **CHAPTER 755**

AN ACT TO AMEND CHAPTER FIFTY OF THE GENERAL STATUTES RELATING TO DIVORCE AND ALIMONY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter fifty, entitled "Divorce and Alimony," of the General Statutes of North Carolina be, and the same is hereby, amended by adding to Section fifty-five a new subsection to read as follows: **Amending law relating to divorce & alimony.**

Authorizing absolute divorce after 10 years separation when one spouse is incurably insane and has been inmate of institution for 10 consecutive years and prescribing form of proof.

(6) In all cases where a husband and wife have lived separate and apart for ten consecutive years, without cohabitation, by reason of the incurable insanity of one of them, the superior court shall grant a decree of absolute divorce upon the petition of the sane spouse: *Provided,* the proof shows that the insane spouse has been confined in an institution for the care and treatment of the insane for ten consecutive years; and *provided* that proof of incurable insanity be supported by the testimony of two reputable physicians, one of whom shall be a staff member or the superintendent of the institution wherein the insane spouse is confined, and one regularly practicing physician in the community wherein such husband and wife reside, and a psychiatrist who has no connection with the institution in which said insane spouse is confined.

If plaintiff is the husband, he must provide support for life.

In all decrees granted under this subsection in actions in which husband is plaintiff, the court shall require him to provide for the care and maintenance of the insane defendant as long as she may live, compatible with his financial standing and ability, and the trial court will retain jurisdiction of the parties and the cause, from term to term, for the purpose of making such orders as equity may require to enforce the provisions of the decree requiring plaintiff to furnish the necessary funds for such care and maintenance. In the event of the feme defendant's continued confinement in an institution for the insane, it shall be deemed sufficient support and maintenance if the plaintiff continue to pay and discharge the monthly payments required of him by the institution, such payments to be in amounts equal to those required of patients similarly situated. In all such actions wherein the wife is plaintiff and the insane defendant has insufficient income and property to provide for his care and maintenance, then in the discretion of the court, the court may require her to provide for the care and maintenance of the insane defendant as long as he may live, compatible with her financial standing and ability, and the trial court will retain jurisdiction of the parties and the cause, from term to term, for the purpose of making such orders as equity may require to enforce the provisions of the decree requiring plaintiff to furnish the necessary funds for such care and maintenance.

If plaintiff is the wife, she must provide support for insane husband, if deemed necessary.

Service of process shall be had upon the regular guardian for said defendant spouse, if any, and if no regular guardian upon a duly appointed guardian ad litem and also upon the superintendent or physician in charge of the institution wherein the insane spouse is confined. Such guardian or guardian ad litem shall make an investigation of the circumstances and notify the next of kin of the insane spouse of the institution of the action and whenever practical confer with said next of kin before filing appropriate pleadings in behalf of the defendant.

In all actions brought under this subsection, if the jury finds as a fact the plaintiff has been guilty of conduct as has conduced to the unsoundness of mind of the insane defendant, the relief prayed for shall be denied.

Exception, if conduct of plaintiff has contributed to insanity of defendant.

SEC. 2. That if any section, clause or provision of this Act be declared unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or invalidate the remainder of this Act.

Constitutionality.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th da yof March, 1945.

S. B. 134 CHAPTER 756

AN ACT TO AMEND SECTION TWENTY-EIGHT - ONE HUNDRED AND TWENTY OF THE GENERAL STATUTES OF NORTH CAROLINA AUTHORIZING AN EXECUTOR OR ADMINISTRATOR TO PROVIDE FOR THE PERPETUAL CARE OF THE CEMETERY LOT OF HIS TESTATOR OR INTESTATE.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section twenty-eight - one hundred and twenty of the General Statutes of North Carolina by adding thereto a new subsection, which said subsection shall read as follows:

Amending Section 28 - 120.

(1) Perpetual care of cemetery lot of testator or intestate. That it shall be lawful for an executor or administrator to provide for perpetual care for the lot upon which is located the grave of his testator or intestate, and the cost thereof shall be paid and credited as such in final accounts: *Provided,* that the provisions of this subsection shall be applicable to an interment made in a cemetery authorized by law to operate as a perpetual care cemetery or association, and the cost thereof shall be in the sound discretion of the executor or administrator having due regard to the value of the estate and to the interest of the widow and legatees or distributees of the estate. *Provided,* where the executor or administrator desires to spend more than two hundred fifty dollars ($250.00) for such purpose he shall file his petition before the clerk of the superior court and such order as will be made by the court shall specify the amount to be expended for such purpose.

Authorizing executor or administrator to provide for perpetual care of cemetery lot of testator or intestate.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 140 CHAPTER 757

AN ACT TO CREATE A STATE RECREATION COMMISSION.

WHEREAS, the contribution of recreation to the health, education, economy and general welfare of the people has become universally recognized and accepted; and

WHEREAS, the lack of recreational opportunities for persons in the armed services, as well as civilians, became apparent shortly after the United States entered the war; and

WHEREAS, under authority of Public Laws one thousand nine hundred and forty-three, Chapter seven hundred and six, conferring upon the Governor certain emergency war powers, a recreation committee was established in June, one thousand nine hundred and forty-three, to meet this pressing need in North Carolina; and

WHEREAS, experience gained by this emergency committee has shown the immediate need for a State Recreation Commission: Now, therefore,

The General Assembly of North Carolina do enact:

Creating North Carolina Recreation Commission.

SECTION 1. Recreation Commission. There is hereby created an agency to be known as the North Carolina Recreation Commission.

Defining "Recreation."

SEC. 2. Definitions. (1) "Recreation," for the purposes of this Act, is defined to mean those activities which are diversionary in character and which aid in promoting entertainment, pleasure, relaxation, instruction, and other physical, mental, and cultural developments and experiences of a leisure-time nature.

Commission.

(2) "Commission" means the North Carolina Recreation Commission.

Committee.

(3) "Committee" means the Advisory Recreation Committee.

Commission to consist of 7 members appointed by the Governor and 4 named ex officio members.

SEC. 3. Membership of Recreation Commission; term. (1) The Recreation Commission shall consist of seven members, appointed by the Governor, and the Governor, Superintendent of Public Instruction, Commissioner of Public Welfare and

Director of the Department of Conservation and Development as members ex officio.

Appointed members of the Commission should include one woman and one negro.

(2) In making appointments to the commission, the Governor shall choose persons, in so far as possible, who understand the recreational interests of rural areas, municipalities, private membership groups and commercial enterprises. The commission shall elect, with the approval of the Governor, one member to act as chairman. At least one member of the commission shall be a woman, and at least one member shall be a Negro. A majority of the commission shall constitute a quorum, but only when at least four of the appointed members are present.

Initial terms of appointed members to be staggered. Regular terms to be 6 years.

(3) For the initial term of the appointed members of the commission, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and two for a term of six years; and thereafter, the successor of each member shall be appointed for a term of four years and until his successor is appointed and qualified.

Removal.

(4) Any appointed member of the commission may be removed by the Governor.

Vacancies.

(5) Vacancies in the commission shall be filled by the Governor for the unexpired term.

Regular meetings to be quarterly.

(6) The commission shall meet quarterly in January, April, July, and October, on a date to be fixed by the chairman. The commission may be convoked at such other times as the Governor or chairman may deem necessary.

Travel or sustenance.

(7) Members of the commission shall receive reasonable travel and maintenance expenses while attending meetings, but they shall not be reimbursed for travel and maintenance expenses for longer than four days for any one meeting.

Duties of Commission.

SEC. 4. Duties of the Commission. It shall be the duty of the commission:

Gather and disseminate information.

(1) To study and appraise recreational needs of the State and to assemble and disseminate information relative to recreation.

Cooperate with local agencies.

(2) To cooperate in the promotion and organization of local recreational systems for counties, municipalities, townships, and other political subdivisions of the State, and to aid them in designing and laying out recreational areas and facilities, and to advise them in the planning and financing of recreational programs.

Promotional and training.

(3) To aid in recruiting, training, and placing recreation workers, and promote recreation institutes and conferences.

(4) To establish and promote recreation standards.

(5) To cooperate with State and Federal Agencies, The Recreation Advisory Committee, private membership groups, and with commercial recreational interests, in the promotion of recreational opportunities.

Biennial reports.

(6) To submit a biennial report of its activities to the Governor.

Powers of Commission.

SEC. 5. Powers of Commission. The commission is hereby authorized:

Make regulations.

(1) To make rules and regulations for the proper administration of its duties.

Accept grants from U. S. Government.

(2) To accept any grant of funds made by the United States, or any agency thereof, for the purpose of carrying out any of its functions.

Accept gifts and bequests.

(3) To accept gifts, bequests, devises, and endowments. The funds, if given as an endowment, shall be invested in such securities as designated by the donor, or, if there is no designation, in those in which the State Sinking Fund may be invested. All such gifts, bequests, devises and all proceeds from such invested endowments, shall be used for carrying out the purposes for which they are made.

To administer available funds.

(4) To administer all funds available to the commission.

Cooperate with other State agencies.

(5) To act jointly, when advisable, with any other State agency, institution, department, board or commission in order to carry out the recreation commission's objectives and responsibilities. No activity of the commission, however, shall be allowed to interfere with the work of any other State agency.

Executive Director and other personnel.

(6) To employ, with the approval of the Governor, an executive director, and upon the recommendation of the executive director, such other persons as may be needed to carry out the provisions of this Act. The executive director shall act as secretary to the commission.

Advisory Committee of 30 to be appointed by Governor.

SEC. 6. Advisory Committee. The Governor shall name a Recreation Advisory Committee consisting of thirty members who shall serve for a term of two years. The Governor shall name one member to act as a chairman of the committee. Vacancies occurring on the committee shall be filled by the Governor for the unexpired term.

Members of the committee shall represent, in so far as feasible, all groups and phases of beneficial recreation in the State.

The committee shall meet once each year with the Recreation Commission at a time and place to be fixed by the Governor. Members of the committee shall serve without compensation.

The committee shall act in an advisory capacity to the Recreation Commission, discuss recreational needs of the State, exchange ideas, and make to the commission recommendations for the advancement of recreational opportunities.

Appropriation of $7,500.00.

SEC. 7. There is hereby appropriated for the purpose of this bill the sum of seven thousand five hundred dollars ($7,500.00) for each year of the biennium one thousand nine hundred and forty-five - forty-seven out of the General Fund of the State.

Constitutionality.

SEC. 8. If any provision of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions or applications of this Act, and to this end the provisions of this Act are declared to be severable.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 187 CHAPTER 758

AN ACT TO AMEND THE GENERAL ELECTION LAW WITH RESPECT TO THE APPOINTMENT OF COUNTY BOARDS OF ELECTIONS, THE TIME FOR KEEPING THE REGISTRATION BOOKS OPEN, THE PAY OF MEMBERS OF THE COUNTY BOARDS AND COUNTY ELECTION OFFICIALS, WITH REFERENCE TO ELECTION PRECINCTS, AND CLARIFYING THE ELECTION LAW IN OTHER RESPECTS.

The General Assembly of North Carolina do enact:

Amending Section 163 - 11.

SECTION 1. That Section one hundred and sixty-three - eleven of the General Statutes be, and the same hereby is, amended by striking out the proviso in said section, reading as follows: "*Provided,* said chairman shall recommend such person on or before the tenth Saturday before a primary election is to be held," and substituting in lieu thereof the following:

Provided, that said chairman shall recommend such persons at least fifteen days before the tenth Saturday before the primary election is to be held.

Increasing per diem of election officials.

SEC. 2. That Section one hundred and sixty-three - twelve of the General Statutes be, and the same hereby is, amended by striking out in the last paragraph thereof the words "three dollars per day" and by inserting in lieu thereof the words,

"five dollars per day"; and by striking out the words and figures "five dollars ($5.00) per day" and substituting in lieu thereof the words and figures: seven dollars ($7.00) per day.

Increasing per diem of election officials.

SEC. 3. That Section one hundred and sixty-three - twenty of the General Statutes be, and the same hereby is, amended by striking out the words "the sum of four dollars" in the first sentence and inserting in lieu thereof the words "the sum of five dollars"; and by striking out in the next sentence the words "the sum of five dollars per day" and substituting therefor the words "the sum of six dollars per day." And the said section is further amended by striking out the period at the end thereof and substituting a semicolon therefor, and by adding the following proviso:

Provided, that the board of commissioners of any county may provide for additional compensation for such precinct election officials in precincts where the duties of those election officials require services for a substantial period of time after the closing of the polls.

Amending Section 163 - 70.

SEC. 4. That Section one hundred and sixty-three - seventy of the General Statutes be, and the same hereby is, amended by striking out the last paragraph of said section reading as follows:

"This Act shall be null and void on or after the repeal of the Selective Service Act of one thousand nine hundred and forty by the Congress of the United States of America."

Amending Section 163 - 58.

SEC. 5. That Section one hundred and sixty-three - fifty-eight of the General Statutes be, and the same hereby is, amended by rewriting the proviso at the end of said section so as to read as follows:

Provided, that in the case of voters who are members of the Armed or Auxiliary Forces of the United States, the signature of any commissioned or noncommissioned officer of the rank of sergeant in the army, or chief petty officer in the navy, or the equivalent thereof, as a witness to the execution of any certificate required by this or any other section of this article to be under oath shall have the force and effect of the jurat of an officer with a seal fully authorized to take and administer oaths in connection with the absentee ballots.

Amending Section 163 - 77.9.

SEC. 6. That Section one hundred and sixty-three - seventy-seven point nine of the General Statutes be, and the same hereby is, amended by rewriting said section so as to read as follows:

Amending provisions relating to absentee registration and voting in primaries.

SEC. 163-77.9. Provisions applicable to absentee registration and voting in primaries. The provisions of this article shall be applicable to registration and voting in primary elections, as well as in general elections. The State Board of Elections

is hereby authorized and empowered to adopt and promulgate whatever rules and regulations it may deem necessary to conform the provisions hereof to the primary election law.

Amending Section 163 - 25.

SEC. 7. That Section one hundred and sixty-three - twenty-five of the General Statutes be, and the same hereby is, amended by adding, after the words "every person," the following: born in the United States and every person.

Amending Section 163 - 62.

SEC. 8. That Section one hundred and sixty-three - sixty-two of the General Statutes be, and the same hereby is, amended by striking out the period at the end of said section and substituting a semicolon therefor and by adding the following:

Provided, that in case the voter is absent from the county or is physically unable to attend, such voter may act through any duly appointed representative.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 191 **CHAPTER 759**

AN ACT TO REIMBURSE VANCE H. RAY OF ROCKINGHAM COUNTY FOR DAMAGES TO HIS AUTOMOBILE RESULTING FROM A COLLISION WITH SCHOOL BUS.

WHEREAS, on January second, one thousand nine hundred and forty-five, a Buick automobile owned by V. H. Ray, of Madison, Rockingham County, was proceeding along Wall Street in Madison; and

WHEREAS, on said date a school bus being operated by Grady H. Shelton, Junior, struck the said Buick automobile: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to V. H. Ray and Grady H. Shelton.

SECTION 1. That the State Board of Education is hereby authorized and empowered to investigate the claim of V. H. Ray of Madison, Rockingham County, arising out of a collision between a school bus operated by Grady H. Shelton, Junior, and the automobile of V. H. Ray. When satisfactory evidence is produced showing that the collision was caused by the negligent operation of the school bus, and without any contributory negligence on the part of the driver of the Ray automobile, the State Board of Education is hereby authorized to pay the cost of repairs to said automobile not exceeding five hundred dollars ($500.00).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 200 **CHAPTER 760**

AN ACT TO AUTHORIZE THE COMMITMENT OF PERSONS SUFFERING FROM SENILE DEMENTIA TO COUNTY HOSPITALS OR OTHER COUNTY INSTITUTIONS CAPABLE OF PROVIDING NECESSARY CARE AND ATTENTION.

The General Assembly of North Carolina do enact:

Authorizing commitment of persons suffering from senile dementia to county hospitals or other county institutions.

SECTION 1. That whenever the facilities of the State hospitals of the State of North Carolina are unavailable to receive any person suffering from senile dementia, the Clerk of the Superior Court of Forsyth County in which such person resides, upon the petition of any interested person, may commit such person to any county hospital operated by such county, or any hospital operated jointly by the county and any mucipality or municipalities therein: *Provided,* the authorities controlling such hospital will agree to accept such person so committed and provide the necessary care and treatment for such person. If such commitment is made, it shall be in accordance with the procedure, so far as the same may be applicable, for commitment of patients to any State hospital; and the discharge from such institution of any such person so committed, and the probation of any such person, shall be in accordance with the procedure applicable to the discharge and probation of patients from a State hospital, to the extent that same shall not be inconsistent with this Act.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 206 **CHAPTER 761**

AN ACT TO REIMBURSE M. P. CRAWLEY JUNIOR FOR LOSS SUSTAINED BY REASON OF COLLISION WITH A SCHOOL BUS IN HALIFAX COUNTY IN THE EVENT THE NEGLIGENCE OF THE DRIVER OF SAID SCHOOL BUS IS FOUND TO HAVE BEEN THE SOLE AND PROXIMATE CAUSE OF SAID COLLISION.

WHEREAS, on May twelfth, one thousand nine hundred and forty-four in Halifax County, North Carolina a school bus operated by an employee of the Halifax County Board of Education was in collision with an automobile owned by M. P. Crawley, Junior; and

WHEREAS, by reason of said collision M. P. Crawley, Junior has suffered considerable loss on account of damage to his automobile; and

WHEREAS, there is no remedy at law whereby M. P. Crawley, Junior might recover his damages in this connection: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to M. P. Crawley, Jr.

SECTION 1. The North Carolina State Board of Education is hereby authorized to investigate the claim of M. P. Crawley, Junior and upon production of proof satisfactory to said board that this collision occurred as the proximate result of the negligent operation of said school bus by an employee of the Halifax County Board of Education, and that there was no contributory negligence on the part of the driver of the automobile of M. P. Crawley, Junior, then in such event the North Carolina State Board of Education is hereby authorized to pay to M. P. Crawley, Junior such sum not in excess of two hundred and thirty-three dollars and thirty-two cents ($233.32), as will reimburse M. P. Crawley, Junior for such damage as may be found to have resulted solely from the negligent operation of the school bus as aforesaid.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of law in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 225 **CHAPTER 762**

AN ACT TO AMEND CHAPTER NINETY-SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO OCCUPATIONAL DISEASES UNDER THE WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter ninety-seven of the General Statutes of North Carolina is hereby amended as follows:

Amending Section 97 - 57.

1. Amend Section ninety-seven - fifty-seven by adding after the end of the section a new paragraph to read as follows:

Exposure to hazards of asbestosis or silicosis.

For the purpose of this Act when an employee has been exposed to the hazards of asbestosis or silicosis for as much as thirty working days, or parts thereof, within seven consecutive calendar months, such exposure shall be deemed injurious but any less exposure shall not be deemed injurious.

Amending Section 97 - 58.

2. Amend Section ninety-seven - fifty-eight as follows:

(A) Insert the letter (a) immediately after the section number.

(B) Strike out the word "three" in line four and insert in lieu thereof the word "two."

(C) Strike out the word "three" in line seven thereof and insert in lieu thereof the word "two."

(D) Strike out all of the last sentence beginning "Claims for all other occupational diseases," beginning in line eleven.

(E) Insert the following two subsections:

Relating to period of notice in certain cases.

(b) The report and notice to the employer as required by Section ninety-seven - twenty-two shall apply in all cases of occupational disease except in case of asbestosis, silicosis, or lead poisoning. The time of notice of an occupational disease shall run from the date that the employee has been advised by competent medical authority that he has same.

(c) The right to compensation for occupational disease shall be barred unless a claim be filed with the Industrial Commission within one year after death, disability, or disablement as the case may be.

Amending Section 97 - 59.

3. Amend Section ninety-seven - fifty-nine by striking out in line ten the words and figures "Three hundred thirty four ($334.00)' 'and inserting in lieu thereof the words and figures "One thousand ($1,000.00)."

4. Amend Section ninety-seven - sixty-one by inserting after the comma, and before the word "he" in line eleven the following: "or where an employee affected by asbestosis and/or silicosis as hereinbefore set forth is unable to secure employment by reason of such disease"; and by inserting after the period and before the word "if" in line forty-two the following: Except that where it is shown to the satisfaction of the commission that some other form of rehabilitation will be beneficial to the employee the payments may be authorized therefor in lieu of the special training. Amending Section 97 - 61.

5. Amend Section ninety-seven - sixty-six by striking out all of said section and inserting in lieu thereof the following: Amending Section 97 - 66.

SEC. 97-66. Claim Where Benefits Are Discontinued. Where compensation payments have been made and discontinued, and further compensation is claimed, whether for disablement, disability, or death from asbestosis, silicosis, or lead poisoning, the claim for such further compensation shall be made within two years after the last payment, but in all other cases of occupational disease claim for further compensation shall be made within one year after the last payment. Relating to time after benefits have been previously discontinued.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 226 CHAPTER 763

AN ACT RELATING TO THE SALARIES OF REGULAR AND SPECIAL JUDGES OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That on account of the increased cost of traveling, hotel and other expense, the regular and special judges of the superior court are hereby granted, in addition to the salary and expense allowance now paid to them, an additional expense allowance of nine hundred fifty dollars ($950.00) per annum, payable monthly, provided such funds shall be available after payment of teachers' and State employees' salaries and emergency salaries under the Budget Appropriation Act for the biennium one thousand nine hundred and forty-five - one thousand nine hundred and forty-seven. Contingent increase of $950.00 in expense allowance for Superior Court Judges.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect on and after July first, one thousand nine hundred and forty-five.

Ratified this the 19th day of March, 1945.

S. B. 227 CHAPTER 764

AN ACT TO AMEND SECTIONS SEVEN - FORTY-FOUR AND SEVEN - FORTY-FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE COMPENSATION OF SOLICITORS.

The General Assembly of North Carolina do enact:

Increasing salary of Solicitors to $5000.00.

SECTION 1. That Section seven - forty-four of the General Statutes of North Carolina is hereby amended by striking out the phrase "forty-five hundred dollars ($4,500.00)," and inserting in lieu thereof the phrase "five thousand dollars ($5,000.00)."

Increasing expense allowance to $750.00.

SEC. 2. That Section seven - forty-five of the General Statutes of North Carolina is hereby amended by striking out the phrase "five hundred ($500.00) Dollars" and inserting in lieu thereof the phrase "seven hundred and fifty dollars ($750.00)."

Contingency of foregoing increase.

SEC. 2½. *Provided* such funds shall be available after payment of teacher's and State employees salaries and emergency salaries under the Budget Appropriation Act for the biennium one thousand nine hundred and forty-five - one thousand nine hundred and forty-seven.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect on and after July first, one thousand nine hundred and forty-five.

Ratified this the 19th day of March, 1945.

S. B. 230 **CHAPTER 765**

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTEEN OF THE GENERAL STATUTES AND TO PROVIDE FOR REGISTERING OF DRILLING OPERATORS ENGAGED IN EXPLORATION FOR OIL OR GAS; TO PROVIDE FOR PROPER PLUGGING OF ABANDONED WELLS TO PREVENT OVERFLOW THEREOF UPON ADJACENT LANDS AND PREVENT POLLUTION OF WATER SUPPLY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Amending law relating to drilling for gas and oil.

SECTION 1. Amend Chapter one hundred and thirteen of the General Statutes by adding a new article thereto, to be designated "Article 26, Oil and Gas Conservation," the sections of this Act to be numbered seriatim in accord with the practice in the General Statutes.

Requiring persons, drilling for gas or oil, to register and furnish bond for $2,500.00.

SEC. 2. Any person, firm or corporation before making any drilling exploration in this State for oil or natural gas shall register with the Department of Conservation and Development or such other state agency as may hereafter be established to control the conservation of oil or gas in this State. To provide for such registration, the drilling operator must furnish the name and address of such person, firm or corporation, and the location of the proposed drilling operations, and file with the aforesaid Department of Conservation and Development a bond in the amount of two thousand five hundred dollars ($2,500.00) running to the State of North Carolina, conditioned that any well opened by the drilling operator upon abandonment shall be plugged in accordance with the rules and regulations of said Department of Conservation and Development.

Must file report after shutting down drilling operations.

SEC. 3. Upon the completion or shutting down of any abandoned well, the drilling operator shall file with the Department of Conservation and Development or other State agency, or with any division thereof hereinafter created for the regulation of drilling for oil or natural gas, a complete log of the drilling and development of each well.

Violation to constitute misdemeanor.

SEC. 4. Any person, firm or officer of a corporation violating any of the provisions of this Act shall upon conviction thereof be guilty of a misdemeanor and shall be fined not less than five hundred dollars ($500.00) nor more than two thousand dollars ($2,000.00) and may in the discretion of the court be imprisoned for not more than two years.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 232 **CHAPTER 766**

AN ACT TO AMEND CHAPTER NINETY-SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELAATIVE TO THE WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

Amending Workmen's Compensation Act.

SECTION 1. Chapter ninety-seven of the General Statutes of North Carolina is hereby amended as follows:

Exempting certain logging and sawmilling operations.

1. Amend Section ninety-seven - two (a) by inserting a comma after the word "services" in line seven, and striking out the remainder of the sentence, and in lieu thereof insert the following: and an individual sawmill and logging operator with less than ten (10) employees, who saws and logs less than sixty (60) days in any six consecutive months and whose principal business is unrelated to sawmilling or logging.

Adding new section after Section 97 - 2 (e).

2. Amend Section ninety-seven - two (e) by adding after the end of said subsection a new paragraph to read as follows:

Relating compensation wherein injured employee is less than 21.

Where a minor employee, under the age of twenty-one years, sustains a permanent disability or dies, the compensation payable for permanent disability or death shall be calculated, first, upon the average weekly wage paid to adult employees employed by the same employer at the time of the accident in a similar or like class of work which the injured minor employee would probably have been promoted to if not injured, or, second, upon such other method as may be used to compute the average weekly wage as will most nearly approximate the amount which the injured employee would be earning as an adult if it were not for the accident. Compensation for temporary total disability shall be computed upon the average weekly wage at the time of the accident, unless the total disability extends more than fifty-two weeks and then the compensation may be increased in proportion to his expected earnings.

Amending Section 97 - 4.

3. Amend Section ninety-seven - four by striking out in lines eight and nine the words "and notice of waiver of exemption heretofore referred to"; and by inserting after the period and before the word "The" in line fifteen the following:

An employee may waive notice of nonacceptance by giving five days notice in the manner provided for nonacceptance.

Amending Section 97 - 7.

4. Amend Section ninety-seven - seven by striking out the remainder of said section after the word "them": in line nine and inserting in lieu thereof the following:

Provided, that all counties are hereby authorized to self-insure or purchase insurance to secure its liability under this

article and to include thereunder the liability of such subordinate governmental agencies as the county board of health, the school board, and other political and quasi-political subdivisions supported in whole or in part by the county, and to appropriate an amount sufficient for this purpose and levy a special tax if a special tax is necessary to pay the cost of same.

Amending Section 97 - 13 (b).

5. Amend Section ninety-seven - thirteen (b) by changing the comma to a period after the word "state" in line seven, and striking out the remainder of said paragraph, and in lieu thereof insert the following:

Except that any employer, without regard to number of employees, including an employer of domestic servants, farm laborers, or one who previously had exempted himself, who has purchased workmen's compensation insurance to cover his compensation liability shall be conclusively presumed during life of the policy to have accepted the provisions of this article from the effective date of said policy, and his employees shall be so bound unless waived as provided in this article.

Amending Section 97 - 19.

6. Amend Section ninety-seven - nineteen by adding after the end of said section a new paragraph to read as follows:

Providing that principal cover contractors and employees under blanket policy.

The principal or owner may insure any or all of his contractors and their employees in a blanket policy, and when so insured such contractor's employees will be entitled to compensation benefits regardless of whether the relationship of employer and employee exists between the principal and the contractor.

Amending Section 97 - 24.

7. Amend Section ninety-seven - twenty-four by inserting a new subsection at the end thereof to be designated "(c)" as follows:

(c) When all claims and reports required by this article have been filed, and the cases and records of which they are a part have been closed by proper reports, receipts, awards or orders, these records, may after five years, in the discretion of the commission, with and by the authorization and approval of the North Carolina Department of Archives and History, be destroyed by burning or otherwise.

Amending Section 97 - 29.

8. Amend Section ninety-seven - twenty-nine by striking out all of the sentence beginning in line eleven which reads:

"In case of death the total sum paid shall be six thousand dollars, less any amount that may have been paid as partial compensation during the period of disability, payable in one sum to the personal representative of deceased."

Amending Section 97 - 40.

9. Amend Section ninety-seven - forty as follows:

A. Insert after the first paragraph of said section a new paragraph to read as follows:

For the purpose of providing additional money for the Second Injury Fund, hereinafter provided for, the Industrial Commission shall assess against the employer or its insurance carrier the payment of twenty-five dollars ($25.00) in all cases of permanent partial disability where there is a loss of, or loss of use of, each minor member; and one hundred dollars ($100.00) in each case of a major member where the permanent partial disability is fifty per cent (50%) or more loss of, or loss of use of. Major members are defined as a foot, leg, hand, arm, eye or hearing.

B. Change the period to a colon after the word "accident" and before the figure "(2)" in line thirty-three, and insert the following:

Provided further that the original and the increased permanent disabilities were each at least 20% of the entire member.

Amending Section 97 - 48.

10. Amend Section ninety-seven - forty-eight by inserting a new subsection at the end thereof to be designated "(d)" as follows:

(d) A minor employee under the age of eighteen (18) years may sign agreements and receipts for payments of compensation for temporary total disability, and such agreements and receipts executed by such minor shall acquit the employer. Where the injury results in a permanent disability and the sum to be paid does not exceed five hundred dollars the minor employee may execute agreements and sign receipts and such agreements and receipts shall acquit the employer; *provided*, that when deemed necessary the commission may require the signature of a parent or person standing in place of a parent.

Amending Section 97 - 92 (a).

11. Amend Section ninety-seven - ninety-two (a) by striking out the word "ten" in line five and inserting in lieu thereof the word "five," and by striking out the word "three" in line nine and in serting in lieu thereof the word "one."

Amending Section 97 - 94 (b).

12. Amend Section ninety-seven - ninety-four (b) by striking out in lines five and six the words "at the time of the insurance becoming due."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 240 **CHAPTER 767**

AN ACT TO REIMBURSE JOHN PRICE OF STATESVILLE, IREDELL COUNTY, FOR DAMAGES SUFFERED TO HIS AUTOMOBILE THROUGH COLLISION WITH A SCHOOL BUS IN FEBRUARY, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

WHEREAS, on or about the fifth day of February, one thousand nine hundred and forty-five, an accident occurred on Highway Number one hundred and fifteen, about one and one half miles from the City of Statesville, involving a school bus belonging to the State Board of Education and operated by its regularly employed driver, and an automobile owned and driven by John Price of Statesville, owing to the negligent operation of the school bus: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to John Price.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of John Price, referred to above, and upon the production of satisfactory proof that the accident and damage occurred through the negligent operation of the school bus and that there was no contributory negligence on the part of the said John Price in the operation of his automobile at the time of the accident, the State Board of Education is authorized to pay John Price such sum, not exceeding one hundred and sixty dollars ($160.00), as will reimburse him for the actual damage found to be sustained to his automobile.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 241 **CHAPTER 768**

AN ACT TO REIMBURSE HUGH MARTIN FOR LOSS OF HIS HORSE CAUSED THROUGH A COLLISION WITH A SCHOOL BUS IN SEPTEMBER, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

WHEREAS, on or about the sixth day of September, one thousand nine hundred and forty-three, an accident occurred on Highway Number one hundred and fifteen in Sharpesburg Township, Iredell County, between a school bus belonging to the State Board of Education and operated by its regular driver, and a horse drawn vehicle owned and driven by Hugh Martin, of Sharpesburg Township, resulting in injuries to the horse which necessitated taking his life: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Hugh Martin.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of Hugh Martin, referred to above, and upon the production of satisfactory proof that the accident occurred through the negligent operation of the school bus and that there was no contributory negligence on the part of Hugh Martin in the driving of his horse drawn vehicle at the time of the accident, the State Board of Education is authorized to pay Hugh Martin such sum, not exceeding two hundred dollars ($200.00), as will reimburse him for the loss of his horse.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 245 CHAPTER 769

AN ACT TO AUTHORIZE A SUITABLE MEMORIAL FOR ANDREW JACKSON, JAMES K. POLK, AND ANDREW JOHNSON.

WHEREAS, the General Assembly of one thousand nine hundred and forty-three, by Resolution Number thirty, authorized the Governor to appoint a representative commission to consider the problem of a suitable memorial for Presidents Andrew Jackson, James K. Polk, and Andrew Johnson; and

WHEREAS, pursuant to this Resolution Governor J. Melville Broughton appointed the following commission for this purpose: Josephus Daniels of Raleigh, chairman; A. J. Maxwell of Raleigh, Clarence Poe of Raleigh, Christopher Crittenden of Raleigh, R. D. W. Connor of Chapel Hill, Roland F. Beasley of Monroe, Charles W. Tillett of Charlotte, William T. Polk of Greensboro, Gerald W. Johnson of Baltimore, Maryland, and R. W. Winston of Chapel Hill; and

WHEREAS, the said commission, after due consideration, has made its report to the Governor, recommending that such memorial take the form of a statue to be located on the South side of Capitol Square, at the head of Fayetteville Street, at the vacant Eastern end of the present mall facing the statue of Governor Aycock, which is at the West end of the mall: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the said commission be and hereby is authorized after the end of the current war, to proceed with the

erection of such memorial, with the approval of the Governor, and that he, together with the Council of State, be and hereby is authorized to apportion from the Contingency and Emergency Fund such sum, unexpended for other purposes, as he and the Council of State may approve for the erection of such memorial.

Authorizing a Commission heretofore appointed by the Governor to erect a statue on Capitol Square as a memorial to Presidents Andrew Jackson, James K. Polk & Andrew Johnson.

SEC. 2. That all laws and clauses of laws in so far as they are in conflict with this act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 252 **CHAPTER 770**

AN ACT TO ENABLE ELIGIBLE VETERANS UNDER THE AGE OF TWENTY-ONE TO SECURE THE BENEFITS OF THE SERVICEMEN'S READJUSTMENT ACT OF ONE THOUSAND NINE HUNDRED AND FORTY-FOUR AND RELATED LEGISLATION.

The General Assembly of North Carolina do enact:

SECTION 1. The General Statutes of North Carolina is hereby amended by adding to Chapter one hundred and sixty-five an article as follows:

ART. 2. Minor Veterans.

SEC. 165-12. Short title. This article may be cited as "The Minor Veterans Enabling Act."

The Minor Veterans Enabling Act.

SEC. 165-13. Definition. In this article, unless the context or subject matter otherwise requires, the term, "Servicemen's Readjustment Act" means the Servicemen's Readjustment Act of one thousand nine hundred and forty-four as enacted by the Congress of the United States (58 Statutes at Large 284, 38 U. S. Code 693 and following), together with any amendments thereof or related legislation supplemental or in addition thereto, and any rules, regulations, or directives issued pursuant thereto.

Definitions.

SEC. 165-14. Application of article. This article applies to every person, either male or female, eighteen years of age or over, but under twenty-one years of age, who is, or who may become, entitled to any rights or benefits under the Servicemen's Readjustment Act.

Applies to veterans between 18 and 21.

SEC. 165-15. Purpose of article. The purpose of this article is to remove the disqualification of age which would otherwise prevent persons to whom this article applies from taking advan-

Removing disqualification of age from veterans between 18 and 21 in dealings under Servicemen's Readjustment Act.

tage of any right or benefit to which they may be or may become entitled under the Servicemen's Readjustment Act, and to assure those dealing with such minor persons that the acts of such minors shall not be invalid or voidable by reason of the age of such minors, but shall in all respects be as fully binding as if said minors had attained their majority; and this article shall be liberally construed to accomplish that purpose.

SEC. 165-16. Rights conferred; limitation. (a) Every person to whom this article applies is hereby authorized and empowered, in his or her own name and without order of court or the intervention of any guardian or trustee—

Leasing or purchasing property.

(1) To purchase or lease any property, either real or personal, or both, which such person may deem it desirable to purchase or lease in order to avail himself or herself of any of the benefits of the Servicemen's Readjustment Act, and to take title to such property in his or her own name or in the name of himself or herself and spouse.

Execution of notes and mortgages.

(2) To execute any note or similar instrument for any part or all of the purchase price of any property purchased pursuant to Paragraph (1) of this section and to secure the payment thereof by retained title contract, mortgage, deed of trust or other similar or appropriate instrument.

Other contracts.

(3) To execute any other contract or instrument which such person may deem necessary in order to enable such person to secure the benefits of the Servicemen's Readjustment Act.

(4) To execute any contract or instrument which such person may deem necessary or proper in order to enable such person to make full use of any property purchased pursuant to the provisions of the Servicemen's Readjustment Act, including the right to dispose of such property, such contracts to include but not to be limited to the following:

Service contracts for homes.

(A) With respect to a home: Contracts for insurance, repairs, and services such as gas, water, and lights, and contracts for furniture and other equipment.

Farming operations.

(B) With respect to a farm: Contracts such as are included in Paragraph (A) of this Subparagraph (4) above, together with contracts for live stock, seeds, fertilizer and farm equipment and machinery, and contracts for farm labor and other farm services.

Business operations.

(C) With respect to a business: Contracts such as are included in Paragraph (A) of this Sub-paragraph (4), together with such other contracts as such person may deem necessary or proper for the maintenance and operation of such business.

(b) Every person to whom this article applies may execute such contracts as are hereby authorized in his own name without any order from any court, and without the intervention of a guardian or trustee, and no note, mortgage, conveyance, deed of trust, contract, or other instrument, conveyance or action within the purview of this article shall be invalid, voidable or defective by reason of the fact that the person executing or performing the same was at the time a minor. Enabling provisions.

(c) In respect to any action at law or special proceeding in relation to any transaction within the purview of this article, every minor person to whom this article applies shall appear and plead in his or her own name and right without the intervention of any guardian or trustee, and every such minor person shall be considered a legal party to any such action at law or special proceeding in all respects as if such person had attained the age of twenty-one years. No such minor shall hereafter interpose the defense of lack of legal capacity by reason of age in connection with any transaction within the purview of this article, nor disavow any such transaction upon coming of age. Court actions.

(d) All such authority and power as are conferred by this article are subject to all applicable provisions of the Servicemen's Readjustment Act.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 253 **CHAPTER 771**

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA BY ADDING THERETO AN ARTICLE TO BE KNOWN AS ARTICLE THREE, ENTITLED MINOR SPOUSES OF VETERANS.

The General Assembly of North Carolina do enact:

SECTION 1. The General Statutes of North Carolina is hereby amended by adding to Chapter one hundred and sixty-five an article as follows:

ART. 3. Minor Spouses of Veterans.

SEC. 165-17. Definition. For the purposes of this article, the term "veteran" means any person who is entitled to any benefits or rights under the laws of the United States or any rules, regu- Defining "veteran."

lations or directives issued pursuant thereto by reason of service in the Armed Forces of the United States during any war in which the United States has engaged.

Authorizing minor spouse of veteran to contract for benefit of veteran in certain cases.

SEC. 165-18. Rights Conferred. (a) Any person under the age of twenty-one years who is the husband or wife of a veteran, is hereby authorized and empowered in his or her own name, and without any order of court or the intervention of a guardian or trustee, to execute any and all contracts, conveyances, and instruments, to take title to property, to defend any action at law, and to do all other acts necessary to make fully available to such veteran, his or her family or dependents, all rights and benefits under the Servicemen's Readjustment Act of one thousand nine hundred and forty-four, or other statutes enacted in the interest of veterans, their families or dependents, and all laws, rules and regulations amendatory or supplemental thereto, in as full and ample manner as if such minor husband or wife of such veteran had attained the age of twenty-one years.

Enabling provisions in suits.

(b) With respect to any action at law or special proceeding in relation to any transaction within the purview of this article, every minor person to whom this article applies shall appear and plead in his or her own name and right without the intervention of any guardian or trustee; and every such minor person shall be considered a legal party to any such action at law or special proceeding in all respects as if such person had attained the age of twenty-one years. No such minor shall hereafter interpose the defense of lack of legal capacity by reason of age in connection with any transaction within the purview of this article, nor disavow any such transaction upon coming of age.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 255 **CHAPTER 772**

AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR THE EQUIPMENT, PERSONNEL AND MAINTENANCE OF THE DEPARTMENT OF INSURANCE.

WHEREAS, many additional duties have been imposed upon the North Carolina Insurance Department by reason of the enactment of legislation designed to more effectively regulate the business of insurance in North Carolina; and

WHEREAS, such legislation is considered in the public interest; and

WHEREAS, additional funds are necessary to effectively discharge the duties imposed by such legislation: Now, therefore,

The General Assembly of North Carolina do enact:

Special appropriation for Insurance Department.

SECTION 1. There is hereby appropriated from the General Fund of the State of North Carolina for additional equipment, personnel and maintenance of the North Carolina Department of Insurance for the two fiscal years ending June thirtieth, one thousand nine hundred and forty-six, and June thirtieth, one thousand nine hundred and forty-seven, the following sums: (1) For the fiscal year one thousand nine hundred and forty-five - forty-six the sum of thirty-three thousand seven hundred and eighty-five dollars ($33,785.00) and for the fiscal year one thousand nine hundred and forty-six - forty-seven the sum of thirty-one thousand three hundred and thirty dollars ($31,330.00).

SEC. 2. That the foregoing appropriation shall be in addition and supplementary to and not in lieu of any appropriation heretofore or hereafter made for the use of the North Carolina Insurance Department.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 256 CHAPTER 773

AN ACT TO AMEND SECTION ONE - THREE HUNDRED AND SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE EXECUTION ISSUED ON A TRANSCRIPT OF JUDGMENT DOCKETED IN A COUNTY OR COUNTIES OTHER THAN THE COUNTY OF RENDITION OF JUDGMENT.

The General Assembly of North Carolina do enact:

Amending Section 1 - 307.

SECTION 1. Amend Section one - three hundred and seven of the General Statutes of North Carolina by adding at the end of said section a new sentence reading as follows:

Validating executions and proceedings thereunder issued prior to March 1, 1945, in county wherein transcript has been docketed of a judgment rendered in another county.

In all cases prior to the first day of March, one thousand nine hundred and forty-five, where a judgment has been rendered in the superior court of one county and the transcript thereof has been docketed in the office of the clerk of the superior court of some other county or counties, all executions heretofore issued on such docketed transcript of judgment and all homestead pro-

ceedings, execution sales, judicial sales and assignments related thereto and based thereon are hereby declared to be lawful, legal and binding upon all purchasers, judgment debtors, judgment creditors, assignors and assignees, and on all parties to the original action and on all parties to or affected by any proceedings related to or based upon such execution, and all such sales, purchases, proceedings and assignments are hereby validated.

Does not apply to pending litigation.

SEC. 2. This Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 258 **CHAPTER 774**

AN ACT AMENDING SECTION ONE - FIFTY-THREE OF THE GENERAL STATUTES AND RELATING TO THE LIMITATION OF TIME FOR PRESENTING CLAIMS BASED UPON BONDS, NOTES AND INTEREST COUPONS OF LOCAL UNITS OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Amending Section 1 - 53 relating to limitation of time for presenting claims based on bonds, notes and interest coupons of local units of government.

SECTION 1. That Paragraph one of Section one - fifty-three of the General Statutes of North Carolina, shall be and the same is hereby amended by changing the period at the end of said paragraph to a comma and by adding the following: except claims based upon bonds, notes and interest coupons of a county, city, town, township, road district, school district, school taxing district, sanitary district or water district which mature on or after March first, one thousand nine hundred forty-five, and which have been incorporated in and are subject to the terms of a plan of composition or refinancing of indebtedness providing for exchange of bonds and adjustment of interest thereon and pursuant to which any bonds have been exchanged, shall be presented within two years after maturity or, if such bonds, notes and interest coupons have matured subsequent to March twenty-second, one thousand nine hundred thirty-five but prior to March first, one thousand nine hundred forty-five, such claims shall be presented within two years after March first, one thousand nine hundred forty-five, or the holders of any such claims shall be forever barred from recovery thereon, and any such claims shall be presented to the officer or officers charged by law with the payment of the same or with providing for such payment.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 259 **CHAPTER 775**

AN ACT TO AUTHORIZE CORPORATIONS TO MAKE CONTRIBUTIONS FOR RELIGIOUS, CHARITABLE, LITERARY, SCIENTIFC, OR EDUCATONAL PURPOSES, AND FOR THE PREVENTON OF CRUELTY TO CHILDREN OR ANIMALS.

WHEREAS, Subsection nine of Section three hundred twenty-two of the Revenue Act allows corporations to deduct for income tax purposes contributions or gifts to corporations, trusts, community chests, funds, foundations or associations organized and operated exclusively for religious, charitable, literary, scientific, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual; and

WHEREAS, there is no specific statutory authorization for such contributions or gifts, and it is deemed advisable to clarify the law in regard to such contributions or gifts and to encourage the making thereof: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Section fifty-five - twenty-six of the General Statutes is hereby amended by adding a new subsection thereto, to be numbered as follows:

Authorizing corporations to make contributions for religious, charitable, literary, scientific or educational purposes and for the prevention of cruelty to children or animals.

12. To make contributions or gifts to corporations, trusts, community chests, funds, foundations, or associations organized and operated exclusively for religious, charitable, literary, scientific, or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, when such contributions or gifts are authorized or approved by its board of directors: *Provided,* that such contributions or gifts during any income year of the corporation do not exceed five per centum (5%) of its net income as computed under Article four, Schedule D, of Chapter one hundred five, of the General Statutes, disregarding for such purpose the aggregate amount of such contributions or gifts: *Provided further,* that the assets of the corporation exceed its liabilities immediately after any such contribution or gift is made.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 263 CHAPTER 776

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTEEN - ONE HUNDRED AND THIRTY-SIX OF THE GENERAL STATUTES, AUTHORIZING THE BOARD OF CONSERVATION AND DEVELOPMENT TO REGULATE THE TAKING OF MARINE VEGETATION.

The General Assembly of North Carolina do enact:

Authorizing Board of Conservation and Development to regulate the taking of marine vegetation.

SECTION 1. That Section one hundred and thirteen - one hundred and thirty-six of the General Statutes, authorizing the Board of Conservation and Development to make certain regulations as to fish and fishing, be, and the same hereby is, amended by adding after the words "and other water products," the following:

"and all types of marine vegetation which may grow in the waters or on the bottoms of any navigable waters."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 264 CHAPTER 777

AN ACT TO PROVIDE A REVOLVING FUND FOR USE BY COUNTIES OF THE STATE RECEIVING FEDERAL AID FOR SCHOOL LUNCHES.

WHEREAS, the public schools of the State of North Carolina are availing themselves of Federal funds and surplus commodities furnished by the Federal Government in an amount exceeding two million dollars ($2,000,000.00) in grants annually in order to provide wholesome and nutritious lunches for thousands of school children at low cost; and

WHEREAS, cash payments from the Federal Government are made only upon the presentation of requisitions for reimburse-

ment by county and city superintendents of schools for funds expended for food during the month next preceding the filing of the requisition; and

WHEREAS, the Federal Government does not make advance payments to the county and city school administrative units of the State and since final auditing of the requisitions filed by the county and city administrative units of the State and reimbursement of funds expended often requires as long as two, three, or four months making it difficult for the schools to finance that part of the school lunch program which is assumed by the Federal Government; and

WHEREAS, Federal funds are paid to the school administrative units of the State through the State Board of Education on the basis of applications filed with the State Board of Educaion and approved by the Federal Government and requisitions for reimbursement filed by the superintendents of the school administrative units of the State: Now, therefore,

The General Assembly of North Carolina do enact:

Providing a revolving fund for use by counties of the State receiving Federal aid for school lunches.

SECTION 1. In order that the school administrative units of the State may participate in grants in aid and allotments in kind made by the Federal Government to provide low cost lunches for the school children of the State and in order that funds may be made quickly available to supply the casual deficits incurred by the school administrative units of the State while awaiting payments of claims filed for approved Federal aid the Director of the Budget is authorized to advance out of the General Fund of this State a sum not exceeding three hundred thousand dollars ($300,000.00) to be used as a revolving special fund by the State Board of Education to pay the counties of the State the amount of requisitions for funds approved by the State Board of Education that have been expended for school lunches in the schools of the counties and in the city school administrative units within the counties. These funds so advanced shall be returned to the General Fund at the close of each school year.

Counties to give to State Board of Education liens on Federal funds received for payment to counties.

SEC. 2. That the county boards of education and the tax levying authorities of the counties of the State are hereby authorized and required to give the State Board of Education liens on all Federal funds received by the State Board of Education for payment to counties and in anticipation of which advances have been made to these counties by the State Board of Education.

Restrictions.

SEC. 3. That no advancement of funds be made to any county of the State for a longer period than that of the approved Federal application on the basis of which the advancement of funds

was made; *provided,* no funds shall be advanced to any county or city administrative school unit to cover the amount of the reimbursement due the school unit by the Federal Government covering the last month's lunch room operation in any school year. This period is construed to mean until final payment is made on the approved application.

Authorizing counties to pledge their credit.

SEC. 4. That since money advanced under the provisions of this Act are for the purpose of supplying casual deficits incurred in anticipation of funds that have been approved for payment by the Federal Government upon the submission of properly prepared requisitions, it is the intent and purpose of the General Assembly to authorize the counties of the State to pledge their faith and credit in accordance with Section four, of Article V, of the Constitution of the State of North Carolina.

Regulations to be made by State Board.

SEC. 5. That rules and regulations for advancing funds to the counties of the State under the provisions of this Act and in addition to those recited in this Act may be made by the State Board of Education.

Restrictions.

SEC. 6. That the advancement of funds to the counties of the State by the State Board of Education shall be made only to those counties receiving part payment on the cost of school lunches from the Federal Government. Should the Federal Government withdraw aid from the school lunch program or if for any reason the counties of the State do not participate in Federal aid to school lunches or if changes are made in the distribution of Federal funds for school lunches that make it unnecessary for further advances to be made to the counties of the State, all funds advanced under the provisions of this Act shall be returned to the General Fund of this State.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 274 CHAPTER 778

AN ACT TO AMEND SECTION ONE - FOUR HUNDRED AND FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TIME OF CONFIRMING REPORTS OF COMMISSIONERS AND JURORS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one - four hundred and four of the General Statutes of North Carolina by striking out the word "twenty" as the same appears in the ninth line of said section, and by inserting in lieu thereof the word "ten."

Reducing to 10 days the time for confirming reports of commissioners and jurors.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 277 CHAPTER 779

AN ACT TO REQUIRE THE STATE HIGHWAY PATROL AND OTHER LAW ENFORCING OFFICERS TO REFER CASES INVOLVING VEHICLES SEIZED AND ARRESTS MADE FOR UNLAWFUL TRANSPORTATION OF INTOXICATING BEVERAGES TO STATE COURTS.

The General Assembly of North Carolina do enact:

SECTION 1. That all members of the State Highway Patrol and other State and local law enforcing officers shall, whenever seizing any vehicle on account of the unlawful transportation of intoxicating beverages, or making arrests of persons on account of same, refer the cases to the State court having jurisdiction thereof, to be determined by such State court in accordance with the law of this State. Any such officer who shall, in violation of this section, refer such cases to courts of another jurisdiction, shall be guilty of misfeasance in office and subject to a fine of one hundred dollars ($100.00).

Requiring law enforcement officers to refer to State Courts cases involving vehicles seized and arrests made for unlawful transportation of liquor.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 298 **CHAPTER 780**

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY-NINE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE TO SUBSTITUE THE WORDS "MALT BEVERAGES" FOR THE WORD "BEER" WHEREVER THE SAME APPEARS IN SAID ACT.

The General Assembly of North Carolina do enact:

Amending Chapter 339 of 1943 Session Laws by defining "beer" as used therein.

SECTION 1. Chapter three hundred and thirty-nine of the Session Laws of one thousand nine hundred and forty-three is hereby amended by adding a new paragraph, to be appropriately numbered, as follows:

Wherever used in this chapter, the word "beer" is defined to include "beer, lager beer, ale, porter, and other brewed or fermented beverages containing one half (½) of one per cent (1%) of alcohol by volume but not more than five per cent (5) of alcohol by weight as authorized by the laws of the United States of America.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 304 **CHAPTER 781**

AN ACT TO FIX COURT COSTS IN UNCONTESTED DIVORCE CASES, PROVIDE FOR ADVANCE PAYMENT ON COSTS OF ALL CIVIL CASES AND ELIMINATION OF CERTAIN FEES IN THE SUPERIOR COURT OF CELVELAND COUNTY.

The General Assembly of North Carolina do enact:

Fixing costs for divorce cases in Cleveland County at $16.00.

SECTION 1. That in the Superior Court of Cleveland County the court costs for uncontested divorce, alimony and annulment cases shall be sixteen and 00/100 ($16.00) dollars, the same to include the State process tax and issuance of all summonses but not to include the service of summonses. The clerk of the superior court shall not docket any such case until the costs as set forth herein have been paid in advance.

Deposit in civil cases in Cleveland County.

SEC. 2. That advance costs of seven and 50/100 ($7.50) dollars shall be deposited with the Clerk of the Superior Court of Cleveland County in all civil actions, except those mentioned

in Section one hereof, before the issuance of summons in any such cases.

SEC. 3. That the Clerk of the Superior Court of Cleveland County shall not charge any fees for the following services:

Clerk not to charge fees for certain acts.

a. Administration of the oath of office or other oaths to elected or appointed officials of Cleveland County, elected or appointed officials of any incorporated town or city of Cleveland County, members of draft boards and persons acting on any board or in any capacity because of the war emergency.

Administering oath of office to county officials, town officials, draft boards, et al.

b. Certificate with seal to any Federal or State agency which has no provision for payment therefor.

Certificate to State or Federal agency.

c. Administration of oath and issuing certificate with seal in any proceeding for commitment to Caswell Training School, State Hospital for the Insane, State Sanitorium or similar institution,, including Federal institutions under the supervision of the Veteran's Administration.

Oaths and certificates for commitment to State Hospital and certain other institutions.

d. All proceedings in connection with the administration of estates of persons dying while in the Armed Services of the United States.

Proceedings in administration of estates of persons dying in service.

SEC. 4. That this Act shall apply only to Cleveland County.

Applies only to Cleveland County.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 308 CHAPTER 782

AN ACT TO REPEAL SECTION EIGHTY-FOUR - TWENTY-SEVEN OF THE GENERAL STATUTES RELATING TO USE BY THE SUPREME COURT FOR LIBRARY PURPOSES OF SURPLUS FUNDS FROM FEES OF BAR EXAMINATION APPLICANTS.

WHEREAS, Section eighty-four - twenty-seven of the General Statutes provides for the transfer of surplus funds from fees received from applicants for examinations before the Board of Law Examiners to the Supreme Court of North Carolina for its use in connection with its library; and

WHEREAS, owing to the small number of applicants for examinations during the past several years, no surplus has remained after said examinations for use by the Supreme Court

for its library and now and for sometime the said board will actually have a deficit from each examination; and

WHEREAS, it appears that no funds will be available from this source for a number of years to come and that in the future a direct and adequate appropriation should be granted the court as the need may arise for use of its library, and the said board will require any future surplus for liquidating its accumulated deficit: Now, therefore,

Repealing Section 84 - 27 of General Statutes regarding use of surplus funds from Board of Law Examiners by Supreme Court in connection with its library.

The General Assembly of North Carolina do enact:

SECTION 1. Section eighty-four - twenty-seven of the General Statutes is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 311 CHAPTER 783

AN ACT TO AUTHORIZETHE STATE BOARD OF EDUCATION TO CONVEY OR LEASE MARSH AND SWAMP LANDS TO THE STATE DEPARTMENT OF CONSERVATION AND DEVELOPMENT.

WHEREAS, the State Board of Education is now the owner of large areas of marsh and swamp land in the State which are not being used by the board, and are practically useless for other than game and wildlife purposes, but can be profitably used and developed by the State Department of Conservation and Development for the purpose of establishing game and wildlife refuges and public hunting grounds: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing State Board of Education to lease or transfer its marsh and swamp lands to State Department for certain purposes.

SECTION 1. The State Board of Education is authorized and empowered in its discretion to transfer or lease to the State Department of Conservation and Development, any or all of the marsh and swamp lands owned by it in the State, for the purpose of development, supervision, and administration of game refuges, or game preserves, or as a public hunting grounds.

Conveyances to contain reversionary clause.

SEC. 2. That any of the said marsh and swamp lands conveyed to the Department of Conservation and Development for the purposes specified in Section one hereof shall contain a reversionary clause providing that upon the said State Department of Conservation and Development ceasing to use said

lands for said purposes, the same should revert back to the State Board of Education.

Board of Education to retain mineral, oil & similar rights.

SEC. 3. All of the mineral, gas, oil, and similar rights in said land shall be reserved by the State Board of Education and the State Department of Conservation and Development shall not acquire any rights to any mineral, gas, or oil rights in such marsh and swamp lands by virtue of any conveyance authorized under this Act.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 314 CHAPTER 784

AN ACT TO AUTHORIZE THE EUGENICS BOARD OF NORTH CAROLINA TO ACCEPT GIFTS.

The General Assembly of North Carolina do enact:

Authorizing the Eugenics Board to accept gifts.

SECTION 1. That the Eugenics Board of North Carolina is hereby authorized and empowered to accept gifts from any source to be used by the board for the furtherance of the purposes for which said board was created.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 316 CHAPTER 785

AN ACT TO AMEND SECTION ONE - FIFTY-TWO GENERAL STATUTES SO AS TO PROVIDE FOR THE APPLICATION OF THREE YEARS STATUTE OF LIMITATION FOR AN ACTION TO RECOVER UNDER THE FAIR LABOR STANDARDS ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT AND AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one - fifty-two General Statutes be, and the same hereby is amended by adding a new subsection after Subsection ten to read as follows:

Amending Section 1 - 52 of General Statutes to extend 3 years statute of limitations to recoveries under Fair Labor Standards Act.

11. For the recovery of any amount under and by virtue of the provisions of the Fair Labor Standards Act of one thousand nine hundred and thirty-eight and amendments thereto, said Act being an Act of Congress.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 317 CHAPTER 786

AN ACT TO AMEND SECTION ONE HUNDRED AND FOURTEEN - FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE APPOINTMENT OF ASSISTANT ATTORNEYS GENERAL.

The General Assembly of North Carolina do enact:

Increasing number of Assistant Attorneys Generals to four.

SECTION 1. Amend Section one hundred and fourteen - four of the General Statutes of North Carolina by striking out the word "three" as same appears in the second line of said section, and by substituting in lieu thereof the word "four."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after ratification.

Ratified this the 19th day of March, 1945.

S. B. 318 CHAPTER 787

AN ACT TO AMEND SECTION FORTY-EIGHT - FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO CONSENT IN ADOPTION PROCEEDINGS.

The General Assembly of North Carolina do enact:

Amending law regarding consent in adoption proceedings.

SECTION 1. Amend Section forty-eight - five of the General Statutes of North Carolina by striking out the period appearing immediately after the word "part" in line thirty of said section and by inserting in lieu of said period a comma and the following: or if the court finds as a fact there is no person or persons qualified to give legal consent as provided in this section the court may appoint some suitable person or the county superintendent of public welfare of the county in which the child resides to act in the proceedings as next friend of the child to give or withhold such consent.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 320 **CHAPTER 788**

AN ACT TO AMEND SECTION FORTY-EIGHT - SIX OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE INHERITANCE AND SUCCESSION OF PROPERTY IN ADOPTION PROCEEDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section forty-eight - six of the General Statutes of North Carolina by adding a proviso at the end of said section which said proviso shall read as follows:

Amending Section 48 - 6 relating to inheritance and succession of property in adoption proceedings.

Provided that where an adoption proceeding has been instituted under the provisions of this chapter and an interlocutory decree has been entered or a tentative approval and order of adoption has been entered as provided by Section forty-eight - five and the petitioners or one of the petitioners dies and in said proceeding it is sought to adopt the child for life then and in that event the said child shall have all of the rights of inheritance and succession of property to, through or from the deceased petitioner as is provided for in this section in cases where a final order granting letters of adoption has been entered or made.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 323 **CHAPTER 789**

AN ACT TO AMEND CHAPTER SIXTEEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, THE SAME BEING "AN ACT TO INCORPORATE THE CHARLOTTE CARNEGIE PUBLIC LIBRARY" AS AMENDED BY SECTION FIFTY-SIX OF CHAPTER THREE HUNDRED AND SIXTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AND OTHER AMENDMENTS.

The General Assembly of North Carolina do enact:

Amending law relating to Charlotte Carnegie Public Library.

SECTION 1. That Section fifty-six of Chapter three hundred and sixty-six of the Private Laws of one thousand nine hundred thirty-nine be and the same is hereby amended:

a. By striking out the word "four" in line two of Subsection one thereof, and inserting in lieu of the word "four" the word "two."

b. In line three of Subsection one thereof by inserting immediately after the comma following the word "Charlotte" the following: Two shall be appointed by the Chairman of the Board of County Commissioners of Mecklenburg County.

c. By striking out all of that portion of Subsection one of said Section fifty-six, beginning with the word "the" following the period after the word "county" in line eight, and inserting in lieu thereof the following: On the first day of January, one thousand nine hundred and forty-six, the offices of the present appointed members of the said board of trustees shall become vacant, and the Mayor of the City of Charlotte shall appoint one member for a term of two years and one member for a term of four years, and the Chairman of the Board of County Commissioners of Mecklenburg County shall appoint one member for a term of two years and one member for a term of four years; thereafter all appointments under the terms of this Act shall be for a term of four years, except that an appointment to fill a vacancy of an unexpired term shall be for the remainder of the unexpired term only; *provided* that all appointed members shall serve until their successors are appointed, and such trustees shall serve without compensation, *provided* that any trustee or board member appointed by the Chairman of the Board of County Commissioners of Mecklenburg County under the terms of this Act may be removed at any time with or without cause by a two thirds vote of the said board of county commissioners, and any trustee or board member appointed by the Mayor of the City of Charlotte under the terms of this Act may be removed at any time with or without cause by a two thirds vote of the city council.

d. By striking out all of Subsection two of said Section fifty-six and inserting in lieu thereof, the following, which shall hereafter be known as Subsection two of said section: That said board shall elect a chairman from its membership, and said corporation shall have the power and authority to employ a secretary, a treasurer, both of which offices may be held by one and the same person, a librarian who shall be designated "the Director of Public Libraries for Mecklenburg County," and such other employees as may be necessary to carry out the purposes for which said corporation is formed, and the duties and responsibilities of such employees shall be fixed by said corporation and such employees shall receive such compensation as may be prescribed by said board; *provided, however,* that such treasurer shall be required to furnish bond in such amount for the faithful performance of his duties as the board of the corporation may fix and prescribe, the premiums upon which shall be paid as an expense of the corporation.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 330

CHAPTER 790

AN ACT TO AMEND SECTION SEVEN - FIFTY-ONE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PERMIT RETIREMENT OF JUSTICES WHO HAVE ATTAINED THE AGE OF EIGHTY YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. Section seven - fifty-one of the General Statutes of North Carolina is hereby amended by inserting therein after the word "court" and before the word "or," in line eleven, the words: or who, while serving on the Supreme Court, has attained the age of eighty (80) years.

Providing for retirement of Supreme Court Justices upon attaining age of 80 years.

SEC. 2. All laws and clauses of laws in conflict herewith are repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in force from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 332 **CHAPTER 791**

AN ACT TO AUTHORIZE THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO ACCEPT GIFTS, ACQUIRE PROPERTY AND RESTORE TRYON'S PALACE IN NEW BERN.

The General Assembly of North Carolina do enact:

Authorizing Department of Conservation and Development to accept gifts for use in restoration of Tryon's Palace in New Bern.

SECTION 1. That the Department of Conservation and Development is hereby authorized and empowered to accept gifts of real or personal property from any source for the restoration of Tryon's Palace at New Bern, North Carolina, and administer the same. All gifts of moneys received by the Department of Conservation and Development shall be deposited in a special account with the Treasurer of North Carolina. The Department of Conservation and Development is hereby given authority to execute such deeds and other instruments as may be necessary.

Authorizing said Board to effect proposed restoration as soon as ample funds be available.

SEC. 2. That the Department of Conservation and Development is hereby authorized and directed, as soon as ample funds to fully restore the palace to its original condition and beauty are available, to acquire the necessary property in New Bern, North Carolina, for the restoration of Tryon's Palace; and said department is further authorized and directed to restore or reconstruct said palace and to maintain the same. For the purpose of supervising the restoration of Tryon's Palace and for the supervision, management and maintenance thereof after such restoration is completed there shall be a commission, to be known and designated as Tryon's Palace Commission, acting under the general authority of the State Board of Conservation and Development, such commission to be composed of twenty-five persons, to serve without pay and without expense allowance, to be appointed by the Governor, and in addition to the members so appointed the Governor, the Attorney General, the Director of the Board of Conservation and Development, the Director of the Department of Archives and History, the Mayor of the City of New Bern and the Chairman of the Board of Commissioners for Craven County shall serve as ex officio members of said commission.

Relating to acquiring lands by purchase and by condemnation.

SEC. 3. That the Department of Conservation and Development, within the limits of amounts appropriated by the General Assembly and such funds as may be available from donations or otherwise, when funds are available to fully restore the palace to its original condition and beauty, is hereby granted power to purchase sufficient lands for the restoration of said palace, and said department is hereby authorized to accept title to said lands in the name of the State of North Carolina.

The Department of Conservation and Development shall also have the authority to acquire, by condemnation, under the provisions of Chapter forty of the General Statutes of North Carolina, including the provisions of the Public Works Eminent Domain Law, which is hereby made applicable to such proceedings, such areas of land in New Bern, North Carolina, as it may find to be necessary for the restoration of said palace.

Relating to funds deposited with a trustee.

SEC. 4. That the Governor as Director of the Budget shall have full authority and discretion to approve the acceptance of donations of cash or securities irrevocably deposited with a trustee in lieu of any requirement that funds provided by outside sources be turned over to the State, and funds or securities placed in trust by private donors for such purpose shall be deemed to be funds turned over to the State for acquisition and restoration of the palace.

Relating to closing certain streets and including such area in restoration project.

SEC. 5. That whereas the said Tryon's Palace and grounds originally included all of that area in the City of New Bern known and designated as George Street between Pollock and South Front Streets, and the title thereto is in the State of North Carolina, subject to the easement for use of said street, and the use of such portion of said George Street is essential for a proper restoration of Tryon's Palace, when the governing body of the City of New Bern under its general authority imposed by law shall close George Street between Pollock and South Front Streets, or such portion thereof as may be found by the commission herein authorized to be essential for the purposes of such restoration, the area within such closed street shall be thereafter used exclusively for the restoration of Tryon's Palace.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 347 **CHAPTER 792**

AN ACT TO REVISE AND FIX THE FEES, COMMISSIONS AND EMOLUMENTS OF THE CLERK OF THE SUPERIOR COURT, SHERIFF AND REGISTER OF DEEDS OF CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Relating to fixing fees in offices of Clerk, Sheriff and Register of Deeds in Craven County.

SECTION 1. That the Board of Commissioners for the County of Craven be and hereby it is authorized and directed to ascertain the amount of fees, commissions and other emoluments of the offices of clerk of the superior court, sheriff and register of deeds of said county in the years one thousand nine hundred and forty-two, one thousand nine hundred and forty-three and one thousand nine hundred and forty-four, and to ascertain, as near as may be, the annual cost to said county of proper maintenance of each of said offices, and shall then revise such fees, commissions and emoluments by fixing same in such amounts as in the judgment of said board will pay reasonable compensation to said officers and their assistants and all other necessary expenses of maintaining said offices.

Schedule of revised fees to be posted.

SEC. 2. That a schedule of the fees, commissions and emoluments so revised and fixed for each of said offices shall be recorded in the minutes of said board and a certified copy thereof delivered to each of said officers, who shall post same in their respective offices, and the fees, commissions and emoluments so revised and fixed, from time to time, shall be the lawful fees, commissions and emoluments chargeable by and payable to said officers: *Provided,* that fees collected by any of said officers for the use of the State shall not be revised by said board; and *provided, further,* that the fees, commissions and emoluments not prescribed by law for said officers shall remain in effect until revised by said board.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 350 **CHAPTER 793**

AN ACT TO REIMBURSE W. C. BARTHOLOMEW OF FRANKLIN COUNTY FOR DAMAGES TO AUTOMOBILE BY COLLISION WITH SCHOOL BUS FEBRUARY TWENTIETH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

WHEREAS, on the twentieth day of February, one thousand nine hundred and forty-five, a collision occurred between the automobile of W. C. Bartholomew and a school bus belonging to the State Board of Education and operated by the duly authorized driver, Leland Kennedy; and

WHEREAS, it is contended that said collision occurred because of the negligent operation of said school bus by its driver and without contributory negligence on the part of the car owner; and

WHEREAS, it appears that the said W. C. Bartholomew sustained damages to his automobile in the sum of one hundred twenty-five dollars ($125.00) and is not authorized by law to recover his loss by legal action against the State Board of Education: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to W. C. Bartholomew.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of W. C. Bartholomew, above referred to, and upon production of satisfactory proof that the collision and damage occurred through the negligent operation of a State owned school bus and without contributory negligence on the driver of the said automobile, the State Board of Education is authorized to pay the said W. C. Bartholomew a sum not exceeding one hundred twenty-five dollars ($125.00) to reimburse him for the damages sustained.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 353 **CHAPTER 794**

AN ACT TO REGULATE THE ISSUANCE OF LICENSES FOR THE SALE OF WINE AND BEER IN MADISON AND AVERY COUNTIES.

The General Assembly of North Carolina do enact:

Placing issuance or nonissuance of beer licenses in Avery and Madison County in hands of County Commissioners.

SECTION 1. That the Board of County Commissioners of Madison County and the Board of County Commissioners of Avery County, respectively, may, in their discretion, decline to issue any licenses authorized under the provisions of Chapter eighteen of the General Statutes of North Carolina for the sale of wine.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 356 **CHAPTER 795**

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND TEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AUTHORIZING THE ISSUANCE OF SCHOOL BONDS IN BEHALF OF SPECIAL SCHOOL DISTRICTS AND SPECIAL BOND TAX UNITS AND THE LEVYING OF TAXES WITHIN SUCH DISTRICTS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS.

The General Assembly of North Carolina do enact:

Authorizing issuance of school bonds in behalf of special school districts and special bond tax units and levying taxes within such districts for payment of such bonds.

SECTION 1. That Section eight of Chapter five hundred and ten of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same hereby is, amended by striking out the last sentence in said section, said sentence reading, "The proceeds shall be paid out only upon order of the county board of education," and substituting in lieu thereof the following:

If the boundaries of any special school district or special bond tax unit are coterminous with the boundaries of an existing city administrative unit, the proceeds of such bonds shall be paid out upon order of the board of trustees or governing board of such city administrative unit and the expenditure of such fund shall be under the direction and supervision of such trustees or board. In all other cases, the proceeds of sale of such bonds shall be paid out upon order of the county board of edu-

cation and applied for the purposes for which said bonds were issued.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 360 **CHAPTER 796**

AN ACT TO AMEND SECTION FORTY-TWO - THIRTY-TWO OF THE GENERAL STATUTES SO AS TO ALLOW THE PLAINTIFF IN AN EJECTMENT SUIT TO RECOVER DOUBLE THE AMOUNT OF RENT IN ARREARS WITH THE DETENTION OF LEASED PROPERTY IS WRONGFUL.

The General Assembly of North Carolina do enact:

SECTION 1. Section forty-two - thirty-two of the General Statutes is hereby amended by rewriting said section to read as follows: Amending law to allow plaintiff in ejectment suit to recover double amount of delinquent rent when detention of leased property is wrongful.

SEC. 43-32. Damages assessed to trial. On appeal to the superior court, the jury trying issues joined shall assess the damages of the plaintiff for the detention of his possession to the time of the trial in that court; and, if the jury finds that the detention was wrongful and that the appeal was without merit and taken for the purpose of delay, the plaintiff, in addition to any other damages allowed, shall be entitled to double the amount of rent in arrears, or which may have accrued, to the time of trial in the superior court. Judgment for the rent in arrears and for the damages assessed may, on motion, be rendered against the sureties to the appeal.

SEC. 2. This Act shall not apply to pending litigation. Not to apply to pending litigation.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 362 **CHAPTER 797**

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY-FIVE - FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO TEACHERS AND OTHER STATE EMPLOYEES WHO ENTERED THE ARMED SERVICE OF THE UNITED STATES.

The General Assembly of North Carolina do enact:

Amending law relating to teachers and other State employees who entered armed service.

SECTION 1. That Subsection six of Section one hundred and thirty-five - four of the General Statutes of North Carolina is hereby amended by adding after the word "States" in line two and before the word "after" in line three the words "on or."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 363 **CHAPTER 798**

AN ACT TO AMEND SECTION FORTY-SEVEN - NINETY-NINE GENERAL STATUTES OF NORTH CAROLINA RELATING TO PROBATE AND REGISTRATION.

The General Assembly of North Carolina do enact:

Amending law relating to probate and registration.

SECTION 1. That Section forty-seven - ninety-nine of General Statutes of North Carolina be and the same is hereby amended by striking out in line five thereof the letters and figures "March 10, 1925" and inserting in lieu thereof the letters and figures "March 1, 1945."

Not to affect pending litigation.

SEC. 2. This Act shall not affect pending litigation.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 367 **CHAPTER 799**

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY-FIVE - THREE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO MEMBERSHIP IN THE RETIREMENT SYSTEM OF STATE EMPLOYEES PERFORMING SERVICES FOR THE FEDERAL GOVERNMENT ON A LOAN BASIS AND BY VIRTUE OF AN EXECUTIVE ORDER OF THE PRESIDENT OF THE UNITED STATES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one hundred and thirty-five - three of the General Statutes of North Carolina by adding thereto a new subsection to be known as Subsection four, which said Subsection four shall read as follows:

Relating to membership in the State Retirement System of State employees performing services for Federal Government on a loan basis and by virtue of an executive order of the President.

(4). Notwithstanding any provision contained in this section, any employee of the State of North Carolina who was taken over and required to perform services for the Federal Government, on a loan basis, and by virtue of an executive order of the President of the United States effective on or after January first, one thousand nine hundred and forty-two, and who on the effective date of such executive order was a member of the Retirement System and had not withdrawn all of his or her accumulated contributions, shall be deemed to be a member of the Retirement System during such period of Federal service or employment by virtue of such executive order of the President of the United States. Any such employee who within a period of six months after the cessation of such Federal service or employment, is again employed by the State or any employer as said term is defined in this chapter, or within said period of six months engages in service or membership service, shall be permitted to resume active participation in the Retirement System and to resume his or her contributions as provided by this chapter. If such member so elects, he or she may pay to the board of trustees for the benefit of the proper fund or account an amount equal to his or her accumulated contributions previously withdrawn with interest from date of withdrawal to time of payment and the accumulated contributions, with interest thereon, that such member would have made during such period of Federal employment to the same extent as if such member had been in service or engaged in membership service for the State or an employer as defined in this chapter, which such payment of accumulated contributions shall be computed on the basis of the salary or earnable compensation received by such member on the effective date of such executive order.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 375 CHAPTER 800

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BEAUFORT COUNTY TO EMPLOY A SERVICE OFFICER TO ASSIST VETERANS OF ALL WARS IN WHICH THE UNITED STATES IS ENGAGED AND THEIR DEPENDENTS IN FILING CLAIMS AGAINST THE UNITED STATES OF AMERICA.

The General Assembly of North Carolina do enact:

Authorizing Beaufort County to employ County Veterans Service Officer.

SECTION 1. That the Board of Commissioners of Beaufort County are hereby authorized and empowered within their discretion and if they see fit, to employ a service officer, on full or part time as may be necessary in the discretion of the Board of County Commissioners of Beaufort County.

Duties of Service Officer.

SEC. 2. The duties of the service officer is to assist veterans of all wars in which the United States is engaged, and their dependents in filing claims against the United States of America. The service officer employed as herein authorized shall have the power and authority to administer oaths and take acknowledgments as to all persons entitled to benefits under the laws herein referred to to the same extent that the same might be taken by a notary public and the certificate of such service officer shall have the same force and effect as a certificate of a notary public.

Commissioners to fix salary and prescribe duties of Service Officer.

SEC. 3. The Board of County Commissioners of Beaufort County are authorized to prescribe the duties of the said officer and shall fix the compensation which shall be paid from the general fund of the county.

Authorized to levy special tax for Service Officer.

SEC. 4. Should the Board of County Commissioners of Beaufort County determine that a service officer is necessary they are hereby authorized to levy a tax in such amount as may be necessary and proper to maintain said officer, and said tax is hereby declared for a special purpose, and with the approval of the General Assembly.

Option to act hereunder to be exercised by Commissioners.

SEC. 5. That the Board of County Commissioners of Beaufort County have the power to act under this law, or to refuse action.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 337 CHAPTER 801

AN ACT TO PROHIBIT THE OPERATION OF POOL TABLES ON SUNDAY IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Prohibiting operation of pool tables in Pitt County on Sunday.

SECTION 1. That it shall be unlawful for any person, firm or corporation to play or permit to be played, or to operate or permit to be operated any pool table or pool tables of whatsoever kind in Pitt County beyond the corporate limits of any town or city in Pitt County on Sunday.

Violation constitutes misdemeanor.

SEC. 2. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred ($100.00) dollars, or imprisoned not exceeding sixty (60) days.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 381 CHAPTER 802

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HALIFAX COUNTY TO LEVY A SPECIAL PROPERTY TAX NOT TO EXCEED TEN CENTS (10c) ON THE ONE HUNDRED DOLLAR VALUATION.

The General Assembly of North Carolina do enact:

Authorizing Halifax County to levy special tax to support County Home.

SECTION 1. The Board of Commissioners of Halifax County is hereby authorized to levy annually on all taxable property in said county a special tax not to exceed ten cents (10c) on the one hundred dollar ($100.00) valuation for the special purposes of providing for the maintenance and upkeep of the County Home for the indigent poor and for the support and operation of the Halifax County Welfare Department.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 382 **CHAPTER 803**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PARKTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter one hundred and sixty-five of the Private Laws of one thousand nine hundred and one be stricken out and the following inserted in lieu thereof:

Amending Charter of Parkton relating to election of Mayor and Board of Commissioners.

The officers of said town shall be a mayor and a board of five (5) commissioners, who shall be elected on the first Monday in May, one thousand nine hundred and forty-five and biennially thereafter by the voters of said town, qualified to vote for members of the General Assembly at an election to be held under such rules as govern elections for towns and cities, as prescribed by Chapter one hundred and sixty, Article three, General Statutes of North Carolina and amendments thereto, which said chapter and section shall in all respects apply to the Town of Parkton and all of its officials, except when inconsistent with the provisions of this Act.

SEC. 2. That Section four of said Act shall be stricken out and the following inserted in lieu thereof:

Relating to other town officials.

The board of commissioners may elect a chief of police and such assistant police officers as they deem necessary and proper and shall also elect a clerk, treasurer and tax collector, who shall be citizens of said town and shall hold their offices at the pleasure of the board electing them and shall receive compensation as fixed by said board. The tax collector shall be vested with the same powers and authority relative to the collection of taxes as are vested in the Tax Collector of Robeson County.

SEC. 3. That Section eight of said Act shall be stricken out and the following inserted in lieu thereof:

Relating to bonds of town officials.

Said board shall prescribe and fix the amount of bonds to be given by the chief of police, clerk, treasurer, and tax collector; *provided, however,* that the bond of the tax collector shall not be less than the sum of one thousand dollars; *provided further,* that one or more of said offices may be held by one and the same person, but in such event, a separate bond shall be given by the tax collector.

Additional powers.

SEC. 4. That, in addition to the powers now conferred on the Town of Parkton by general laws, said town shall have and exercise the following powers:

Inspector of buildings.

(a) The Town of Parkton shall appoint an inspector of buildings and fix his duties and compensation.

Work of said Inspector.

(b) That whenever the said inspector shall report to the said town that any building within its corporate limits is defective or dangerous, or a nuisance to the health and safety of the people of the said town, or is a fire hazard by virtue of its defective condition, then the said town shall cause notice to be given to the owner, or owners, thereof, requiring that such condition, or conditions, shall be remedied within a reasonable time to be named by the said Town of Parkton. If any owner shall contest the matters set out in said notice he shall be heard by the mayor and board of commissioners, and upon such hearing it shall be the duty of the Town of Parkton to establish the allegations in said notice, and the owner, or owners, shall have the right to offer evidence against the said allegations in said notice, and the mayor and board of commissioners shall determine what the truth of the allegations in said notice is. The said owner, or owners, if dissatisfied with the findings of the mayor and board of commissioners may appeal therefrom to the Superior Court of Robeson County, North Carolina, upon exceptions to be filed by such owner, or owners, within ten (10) days from actual notice thereof, and bond shall be given by said owner, or owners, to secure the payment of cost of such appeal, and the said exceptions shall stand for trial at the next civil term of said superior court and have priority on the trial docket as is provided for the trial of exceptions to the allotment of homesteads, and the said owner, or owners, may appeal from any adverse judgment therein, to the Supreme Court of North Carolina, in the manner, and upon the terms, provided in respect to other appeals in civil cases.

(c) When the determination of the allegations in said notice shall be finally made and all appeals therein be finally determined, if the final result is against the said owner, or owners, then the said owner, or owners, shall have thirty (30) days within which to comply with the said notice.

(d) If the said owner, or owners, shall fail to comply with the said notice, after the truth thereof has been finally determined, as herein provided, then the Town of Parkton may institute a proceeding for the condemnation of the said building, or buildings, and the parcels of land on which the same are situate. The said proceedings shall be conducted as is provided for condemnation by corporations enumerated in General Statutes, Section forty - two, except the finding of the mayor and board of commissioners of said town shall constitute prima facie evidence of the truth thereof in case the owner, or owners, shall not have appealed therefrom, and if the said owner, or owners, shall have appealed therefrom, and the same has been determined adversely to them, then the findings of the said mayor and board of commissioners, shall be conclusive proof of the facts found by them and shall constitute sufficient cause

for the condemnation of the said building, or buildings, and land on which the same may be situated, or either of them. The court shall have the discretion to determine whether the said building, or buildings, only, or the land and building, or buildings, shall be condemned and sold in said proceeding.

(e) The said owner, or owners, shall have the right to contest the findings of the mayor and board of commissioners in respect to the said property, either by appeal from the said board, as herein provided, or by denial of the same in case no appeal has been taken in said condemnation proceeding. In said condemnation proceedings when no direct appeal has been taken from the findings of said mayor and board of commissioners, then the issues of facts upon which the right of condemnation depends shall be tried and disposed of in the same manner as other issues of fact are tried. If an appeal has been prosecuted directly from the findings of the mayor and board of commissioners, and determined adversely to the said owner, or owners, then the said town shall be entitled to a judgment of condemnation thereon.

(f) When the said condemnation shall be entered the same shall be carried out by a sale of the premises so condemned, at public auction, at the courthouse door, in Lumberton, North Carolina, as in cases of foreclosure, and from the purchase price the said court shall order the payment of all the costs of said proceeding, including a reasonable attorney's fee for the conduct of said proceeding on the part of the Town of Parkton, and the remainder thereof shall be held to the use of, and paid to, the owners thereof, as may be determined by said court, and the deed of the commissioner of said court in said proceeding shall have the effect to convey all the right, title and interest of any and all persons who may be parties to said proceeding.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict herewith, to the extent of such conflict, are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 383 CHAPTER 804

AN ACT TO RESTORE CORPORATE EXISTENCE TO THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. The State Board of Education, as now or hereafter constituted, is created a corporation, with the right to sue and be sued; to have a common seal; to take, hold, and dispose of property; to make contracts and bylaws; and is vested with all other powers conferred on corporations, under the chapter entitled "Corporations" in the General Statutes of North Carolina, so far as such powers are necessary or convenient to the attainment of the objects of the board or the performance of its duties; and all deeds, leases, contracts, and other instruments which may have been executed in the name of the State Board of Education as constituted since the first day of April, one thousand nine hundred and forty-three, are hereby ratified and approved as corporate acts of the said State Board of Education.

Restoring corporate existence to State Board of Education.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Ratified this the 19th day of March, 1945.

S. B. 384 CHAPTER 805

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION, IN ITS DISCRETION, TO RELINQUISH TO THE UNITED STATES OF AMERICA ANY CLAIM FOR COMPENSATION FOR ITS INTEREST SUBJECT TO THE EASEMENT OF THE INLAND WATERWAY OF THE LANDS WITHIN THE BOUNDARIES OF THE INLAND WATERWAY WITHIN THE MARINE BASE, KNOWN AS CAMP LEJEUNE.

WHEREAS, the United States of America has established a marine base in Onslow County, North Carolina, known as Camp Lejeune; and

WHEREAS, the State of North Carolina had acquired various tracts of land necessary for the establishment of the inland waterway, which were for the purpose of being conveyed to the United States Government; and

WHEREAS, a right of way across said lands was conveyed to the United States Government for the purpose of establishing the inland waterway; and

WHEREAS, by Chapter six hundred and seventy-one of the Session Laws of one thousand nine hundred and forty-three the Governor and Council of State were authorized to waive the claim of the State for compensation for lands claimed by individuals from whom such lands had been acquired within the area of said right of way, and, acting under said authority, such waiver has been made; and

WHEREAS, the State Board of Education was the owner in fee simple of certain parts of the lands taken over for the inland waterway and the interest of the State Board of Education, subject to the easement granted in the right of way, was still held by the State Board of Education; and

WHEREAS, in the pending condemnation proceeding in the District Court of the United States, Eastern District of North Carolina, the awards have been made to the State Board of Education for compensation as follows:

Tract E-681, containing 40.7 acres, award $80.00

Tract I-94, containing 106 acres, award $126.00

Tract N-4, containing 250 acres, award $330.00

of which the State's pro rata part would be approximately two hundred and ninety-five dollars ($295.00); and

WHEREAS, the United States Government has filed exceptions to said awards, which exceptions are now pending; and

WHEREAS, it is urged by the United States Government that in consideration of its surrender of its claims to individuals whose lands have been condemned within the boundaries of the inland waterway, the State Board of Education should waive its claim for awards on the lands above mentioned: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing State Board of Education to relinquish to Federal Government claim and interest in Camp Lejeune.

SECTION 1. That the State Board of Education is hereby authorized and empowered, in its discretion, to surrender to the United States of America any claims which it has for compensation for the taking of the lands mentioned in the preamble within the boundaries of the marine base, known as Camp Lejeune.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 385 **CHAPTER 806**

AN ACT CREATING A BOARD OF TRUSTEES FOR THE NORTH CAROLINA VOCATIONAL TEXTILE SCHOOL, AUTHORIZING THE GOVERNOR TO APPOINT MEMBERS THEREOF, AND DEFINING THE DUTIES OF THE SAME.

The General Assembly of North Carolina do enact:

Creating Board of Trustees for North Carolina Vocational Textile School to be appointed by Governor.

SECTION 1. That the affairs of the North Carolina Vocational Textile School, created under authority of Chapter three hundred and sixty of the Public Laws of one thousand nine hundred and forty-one, shall be managed by a board of trustees composed of six members, who shall be appointed by the Governor, and the State Director of Vocational Education as ex officio member thereof. The terms of office of the trustees appointed by the Governor shall be as follows: two of said trustees shall be appointed for a term of two years; two for three years; and two for four years. At the expiration of such terms, the appointments shall be made for periods of four years. In the event of any vacancy on said board, the vacancy shall be filled by appointment by the Governor for the unexpired term of the member causing such vacancy. The members of the said board of trustees appointed by the Governor shall serve without compensation.

Powers of Board.

SEC. 2. That the said board of trustees shall have the power to take over and receive all of the property of the North Carolina Vocational Textile School and shall have the authority to direct and manage the affairs of said school, and, within available appropriations therefor, appoint a managing head and such other officers, teachers and employees as shall be necessary for the proper conduct thereof. The board of trustees, on behalf of said school, shall have the right to accept and administer any and all gifts and donations from the United States Government or from any other source which may be useful in carrying on the affairs of said school.

New Board to begin functioning July 1, 1945.

SEC. 3. That the board of trustees appointed under the authority of this Act shall begin their term of office on the first day of July, one thousand nine hundred and forty-five, and shall succeed to all the powers and authority of the board created under authority of Chapter three hundred and sixty of the Public Laws of one thousand nine hundred and forty-one.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 393 **CHAPTER 807**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR LENOIR COUNTY TO APPROPRIATE FUNDS FOR A TEN PER CENT INCREASE IN THE SALARIES OF VOCATIONAL AGRICULTURE AND HOME ECONOMICS TEACHERS IN THE PUBLIC SCHOOLS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Lenoir County to appropriate from funds other than taxes funds to increase salaries of teachers of vocational agriculture and home economics for certain months.

SECTION 1. That the Board of Commissioners for Lenoir County are hereby authorized and empowered to appropriate to the Board of Education of Lenoir County, and to the Board of Trustees of the Kinston City Administration Unit, a sum sufficient to pay to all vocational agriculture and home economics teachers in the public schools of Lenoir County and in the Kinston graded school a ten per cent (10%) increase of the salaries now paid said teachers for the months of September, October, November and December, one thousand nine hundred and forty-four, said appropriation to be made by the board of county commissioners upon request of the Board of Education of Lenoir County and the Board of Trustees of the Kinston City Administrative Unit upon budgets presented by them for such purpose, and the said supplement to said salaries shall be paid from any funds received by Lenoir County, other than from taxes, in excess of the budgeted anticipated revenues accruing during the fiscal year one thousand nine hundred and forty-four - one thousand nine hundred and forty-five. The said appropriation, when made, shall be available to the Board of Education of Lenoir County and the Board of Trustees of the Kinston City Administrative Unit for distribution to the said teachers so that each teacher shall receive a proportionate share made available for this purpose.

For certain other months.

SEC. 2. That the Board of Commissioners for Lenoir County are further authorized and empowered, in their discretion, and in such amount and at such time as they may deem wise and proper, to, in like manner and from the same sources if funds shall be available therein, supplement salaries payable to said teachers for services rendered for the months of January, February, March, April, May and June, one thousand nine hundred and forty-five, the amount to be used for said purpose in no event to exceed ten per cent (10%) of the combined salary payroll for said teachers for said period of said county and city schools.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 394 **CHAPTER 808**

AN ACT RELATING TO THE ACKNOWLEDGMENT, PROBATION, AND REGISTRATION OF DEEDS AND OTHER INSTRUMENTS.

The General Assembly of North Carolina do enact:

Amending Section 47 - 48.

SECTION 1. Section forty-seven - forty-eight of the General Statutes is hereby amended by adding at the end of said section the following:

The provisions of this section shall apply to all instruments recorded in any county of this State prior to January first, one thousand nine hundred and forty-five.

Amending Section 47 - 53.

SEC. 2. Amend Section forty-seven - fifty-three of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

Validating certain defective acknowledgments and probates made prior to January 1, 1945, excepting those involved in pending litigation.

SEC. 4753. Probates omitting official seals. In all cases where the acknowledgment, private examination, or other proof of the execution of any deed, mortgage, or other instrument authorized or required to be registered has been taken or had by or before any commissioner of affidavits and deeds of this State, or clerk or deputy clerk of a court of record, or notary public of this or any other state, territory, or district, and such deed, mortgage, or other instrument has heretofore been recorded in any county in this State, but such commissioner, clerk, deputy clerk, or notary public has omitted to attach his or her official or notarial seal thereto, or if omitted, to insert his or her name in the body of the certificate, or if omitted, to sign his or her name to such certificate, if the name of such officer appears in the body of said certificate or is signed thereto, or it does not appear of record that such seal was attached to the original deed, mortgage, or other instrument, or such commissioner, clerk, deputy clerk, or notary public has certified the same as under his or her "official seal," or "notarial seal," or words of similar import, and no such seal appears of record or where the officer uses "notarial" in his or her certificate and signature shows that "C. S. C.," or "clerk of superior court," or similar exchange of capacity, and the word "seal" follows the signature, then all such acknowledgments, private examinations or other proofs of such deeds, mortgages, or other instruments, and the registration thereof, are hereby made in all respects valid and binding. The provisions of this section apply to acknowledgements, private examinations, or proofs taken prior to January first, one thousand nine hundred and forty-five: *Provided*, this section does not apply to pending litigation.

Amending Section 47 - 102.

SEC. 3. Section forty-seven - one hundred and two of the General Statutes of North Carolina is hereby amended by striking out the words "thirty-five" in line three and inserting in lieu thereof "forty-five."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 403 **CHAPTER 809**

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE SALARY OF THE PROSECUTING ATTORNEY IN THE CITY COURT OF RALEIGH, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Increasing salary of prosecuting attorney in City Court of Raleigh to $3,300.00.

SECTION 1. Section three of Chapter one hundred and twenty-seven of the Private Laws of one thousand nine hundred and twenty-nine is hereby amended by striking out the words and figures "three thousand dollars ($3,000.00)" in line seven, and inserting in lieu thereof the words and figures "three thousand three hundred dollars ($3,300.00)."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 19th day of March, 1945.

S. B. 407 CHAPTER 810

AN ACT TO AMEND SECTION TWO, SUBSECTION (b) OF SENATE BILL SEVENTY-NINE, RATIFIED MARCH TENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE, SO AS TO MAKE THE POWER TO CONDEMN PROPERTY FOR THE PURPOSES THEREIN EXPRESSED INAPPLICABLE TO PROPERTY USED IN THE BUSINESS OF A RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Amending certain Act of 1945 Session to exempt railroad property from condemnation powers.

SECTION 1. That Subsection (b) of Section two of Senate Bill seventy-nine, ratified March tenth, one thousand nine hundred and forty-five, be and the same is hereby amended by adding at the end thereof the following: *Provided* that municipalities building airports after the ratification of this Act shall not acquire by condemnation any property of any corporation engaged in the operation of a railroad or railroad bridge in this State if such property is used in the business of such corporation.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 409 CHAPTER 811

AN ACT TO AUTHORIZE THE NORTH CAROLINA CAPE HATTERAS SEASHORE COMMISSION TO POSTPONE THE ACQUISITION BY PURCHASE AND CONDEMNATION OF LANDS WITHIN THE NATIONAL SEASHORE AREA AND TO DISCONTINUE PENDING CONDEMNATION PROCEEDINGS WITHOUT PREJUDICE TO THEIR RENEWAL, AND FOR OTHER PURPOSES.

WHEREAS, it has been brought to the attention of the North Carolina Cape Hatteras Seashore Commission that there is a possibility of the discovery of oil and gas in commercial quantities in the area in which the commission has been laboring to establish the Cape Hatteras National Seashore; and

WHEREAS, this possibility has been presented to the commission, through petitions and otherwise, as an urgent reason for delaying steps to acquire the lands necessary for the establishment of said park; and

WHEREAS, the members of the commission feel that the citizens and landowners in the area involved should not be deprived of the possibility of realization of the benefits from the discovery of oil and gas in commercial quantities and that, under

the circumstances, the work of acquiring said lands by gift, purchase or condemnation should be delayed for a reasonable time pending the determination of this possibility: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing the North Carolina Cape Hatteras Seashore Commission to postpone the acquisition of lands and to discontinue pending condemnation proceedings relating thereto.

SECTION 1. That the Cape Hatteras Seashore Commission, created by Chapter two hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-nine, is hereby authorized and empowered to discontinue without prejudice to their subsequent renewal condemnation proceedings now pending in the Superior Court of Dare County, brought for the purpose of acquiring title to lands for the Cape Hatteras National Seashore. No other land in the area of the Cape Hatteras National Seashore shall be acquired by the commission by purchase or condemnation within a period of two years from the effective date of this Act. If at the end of such two-year period the Governor and Council of State find that explorations for oil and gas are continuing to be made in North Carolina East of the seventy-seventh meridian, the Governor and Council of State shall be authorized and empowered to direct the commission to discontinue the acquisition of lands in said area by purchase and condemnation from year to year during which such explorations continue, but not exceeding two additional years. The allocations heretofore made from the Contingency and Emergency Fund under authority of Chapter four hundred and seventy-five of the Session Laws of one thousand nine hundred and forty-three shall not lapse at the end of the biennium but shall continue and remain available for the expenditure for which made when the further acquisition of lands is authorized.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 411 **CHAPTER 812**

AN ACT TO REGULATE THE GRAND JURY OF PITT COUNTY.

The General Assembly of North Carolina do enact:

Relating to the grand jury of Pitt County.

SECTION 1. That at the first term of court for the trial of criminal cases in Pitt County after the first day of July, one thousand nine hundred and forty-five, there shall be chosen a grand jury as now provided by law, and the first nine members of said jury chosen at said term shall serve for a term of one

year, and the second nine members of said jury so chosen shall serve for a term of six months, and thereafter at the first term of criminal court after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve for a term of one year.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 412 CHAPTER 813

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVENTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN RELATING TO THE RECORDER'S COURT IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter four hundred seventy-two of the Public-Local Laws of one thousand nine hundred and eleven as amended is hereby further amended by inserting before the words "The said appointee" in line ten a new sentence to read as follows:

Amending law relating to Recorder's Court in Edgecombe County.

Should a vacancy occur in the office of recorder, the same shall be filled by the county commissioners.

SEC. 2. That Section three of Chapter four hundred seventy-two of the Public-Local Laws of one thousand nine hundred and eleven is hereby amended by adding at the end of the said section the following:

Said court shall have the authority to hear causes, to try cases and to issue any and all precepts and processes on any day of any week, regardless of whether said court has remained in session since the preceding Monday.

SEC. 3. That Section twenty-four of Chapter four hundred seventy-two of the Public-Local Laws of one thousand nine hundred and eleven as amended is hereby further amended by adding at the end thereof the following:

Should a vacancy occur in the office of prosecuting attorney, the same shall be filled by the county commissioners. Said appointee shall hold said office during the remainder of said term.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 413 **CHAPTER 814**

AN ACT TO FURTHER AMEND CHAPTER ONE HUNDRED AND NINETY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ONE, CONSOLIDATING THE CHARTER OF THE CITY OF SHELBY.

WHEREAS, the City of Shelby owns and operates its municipal power and lighting distributing system and also its water works and has available an abundance of electric power and current and water, the sale of which will materially enhance the profits from its said plants to the benefit of the citizens and taxpayers of the City of Shelby; and

WHEREAS, it is deemed advisable to use a small amount of the profits from its said plants to develop a larger market for its electric current and water: Now, therefore,

The General Assembly of North Carolina do enact:

Amending Charter of Shelby.

SECTION 1. That Chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and one, entitled "An Act to amend, revise and consolidate the Charter of the Town of Shelby," as amended, shall be and the same is hereby further amended by adding a "Subsection fifty-four-A" at the end of Section fifty-four, to read as follows:

Authorizing appropriation for advertising Shelby.

SEC. 54-A. The governing body may, in its discretion, appropriate annually from the revenues received from the municipal power and light distributing plant, and from its water works system, an amount not exceeding five hundred dollars ($500.00) to be used for advertising the facilities of the City of Shelby, and particularly in securing customers for its municipal power and light distributing system and for its water works system, which said undertaking is hereby declared to be for a public purpose. The money so appropriated may be expended either directly by the board of aldermen or through the facilities of such agency as the board may select, and shall be used in such manner as will in the opinion of the board of aldermen best serve the purpose herein set forth.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 414 **CHAPTER 815**

AN ACT PROVIDING FOR THE APPOINTMENT OF AN ASSISTANT SOLICITOR OR ASSISTANT PROSECUTING ATTORNEY FOR DURHAM COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby created in Durham County the office of assistant solicitor or assistant prosecuting attorney for Durham County Recorder's Court. The Board of County Commissioners of Durham County and the governing body of the City of Durham may upon the ratification of this Act meet and elect an assistant solicitor or assistant prosecuting attorney who shall serve until the first Monday in December, one thousand nine hundred and forty-six and thereafter the said Board of County Commissioners and governing body of the City of Durham may on the first Monday in November of each even year meet in joint session and may elect an assistant solicitor or assistant prosecuting attorney who shall take office on the following first Monday in December and serve for a period of two years. Authorizing employment of Assistant Prosecuting Attorney for Recorder's Court in Durham County.

SEC. 2. The said assistant solicitor or assistant prosecuting attorney shall not receive pay for more than twenty days during each year at the rate of ten dollars ($10.00) per day but said officer shall be permitted to engage in the private practice of law in both civil and criminal courts to the same extent as if he was not serving in such position: Except that he shall not thereafter appear in any case coming before him in the performance of his official duties. Fixing compensation of said Assistant Prosecuting Attorney.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 415 **CHAPTER 816**

AN ACT TO PERMIT THE TOWN OF CLINTON TO SELL ITS FIRE STATION LOT AS ABANDONED PUBLIC PROPERTY.

WHEREAS, the Town of Clinton, acting through its mayor and board of commissioners, has abandoned the use of a certain lot of land, owned by it, located on McKoy Street, and known as the fire station, and is establishing its fire station upon certain other property already owned by the town; and

WHEREAS, the said fire station lot was offered for sale by the Town of Clinton, at public auction, after due advertisement, with right reserved by the town to reject or affirm the sale, at the highest bid received; and

WHEREAS, at said sale the town received a bid of ten thousand two hundred dollars, ($10,200.00) for said property, to be paid cash upon delivery of deed; and

WHEREAS, question has been raised by the purchaser as to the authority of the said Town of Clinton to sell said fire station lot as abandoned public property; and

WHEREAS, the town commissioners are anxious to consummate said proposed sale: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing Clinton to sell an abandoned fire station lot.

SECTION 1. That the Town of Clinton in its corporate capacity is hereby authorized and empowered to consummate a sale of its lot of ground on McKoy Street, known as the fire station lot, as property abandoned from public use; and such sale may be made to such person, or persons, and upon such terms, and for such amount of purchase money, as the board of commissioners of said town, in its discretion, may deem to the best interests of the said Town of Clinton.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 421 **CHAPTER 817**

AN ACT RELATING TO THE CHEROKEE INDIANS OF ROBESON COUNTY AND PEMBROKE STATE COLLEGE FOR INDIANS LOCATED AT PEMBROKE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Article five, Paragraph one hundred and sixteen - seventy-nine of the General Statutes of North Carolina, one thousand nine hundred and forty-three, be and the same is hereby amended so as to read hereafter as follows:

Amending law relating to Pembroke State College for Indians.

The Pembroke State College for Indians shall be and remain a State institution for educational purposes, at Pembroke, North Carolina, in the County of Robeson, under the name and style aforesaid, and by that name may have perpetual succession, sue and be sued, contract and be contracted with, have and hold school property, including buildings, lands and all appurtenances thereto, situated as aforesaid; acquire by purchase or condemnation, under the general laws pertaining to eminent domain, donation or otherwise, real property for the purpose of maintaining and enlarging the said college, which shall be and remain for the purpose of the education of the Cherokee Indians of Robeson County; acquire by purchase, donation, or otherwise, personal property for the purpose of said college.

SEC. 2. That Section one hundred and sixteen - eighty-two, General Statutes of North Carolina, one thousand nine hundred and forty-three, be and the same is hereby amended so as to read as follows:

Trustees to elect their chairman.

The trustees shall elect one of their own number chairman and such chairman shall have the duties and the powers that devolve upon the president of corporations in similar cases, or such as shall be defined by the trustees.

SEC. 3. That Article five, Section one hundred and sixteen - eighty-five of the General Statutes of North Carolina, one thousand nine hundred and forty-three, be and the same is hereby amended, repealed, and reenacted so as to read hereafter as follows:

Relating to passing on those to be admitted to aforesaid College.

That in order to protect and promote and preserve for the education of all persons who are now and may hereafter be entitled to admission into the Pembroke State College for Indians, there shall be a committee composed of Indians, residents of Robeson County, as provided in Chapter one hundred ninety-five, Public Laws of North Carolina, one thousand nine hundred and twenty-nine, and all questions affecting the race of those applying for admission into the Pembroke State College for Indians, shall be referred to said committee, who shall have orig-

inal and exclusive jurisdiction to hear and determine all questions affecting the race of any person, or persons, applying for admission into, or attending, the Pembroke State College for Indians, located at Pembroke, North Carolina.

Appeal to Superior Court.

An appeal shall lie from the action of said committee to the Superior Court of Robeson County, and such appeal shall be taken and perfected only in the following manner: A notice of appeal shall be given either at the time of the announcement of the action of the committee by parole, or at any time within fifteen (15) days from the time of the announcement of the action of the committee, by written notice, which shall state that the appellant does, in good faith, intend to appeal therefrom to the Superior Court of Robeson County, and said written notice must be served upon the chairman of said committee, or the secretary thereof, or upon two members of said committee. The appellant shall, also, at the time of the service of said notice, pay to the person upon whom the same is served, or to the secretary of the said committee if the notice is given by parole at the time of the announcement of the action of the committee, the sum of one dollar ($1.00) which sum shall be paid to the Secretary of the said Indian Committee. The Secretary of the said Indian Committee shall certify thereupon the proceedings with reference to the matter appealed from as a return to the notice of appeal, and the said written notice so served, or a statement thereof, in case the same is given by parole, and the certified record of the proceedings had by the said committee, and their action thereon, shall be filed by the appellant in the office of the Clerk of the Superior Court of Robeson County and shall be docketed on the Civil Issue Docket of the Superior Court of Robeson County in all respects and under such rules and limitations as now apply to appeals from justices of the peace, to the superior court. The record certified from said committee shall state fully the contentions of those favoring the admission to the Pembroke State College for Indians and the said cause shall be tried in the superior court, as herein provided, upon the issues raised upon said contentions and shall be tried in said superior court upon the issues raised upon these stated contentions and the action of the said committee.

That the said Indian Committee, through its chairman or secretary, shall have the same power to subpoena witnesses and compel their attendance as provided under the law relating to references.

That the said Indian Committee is now composed of M. L. Lowry, Burleigh Lowry, J. B. Oxendine, William Wilkins, George Locklear, Dawley Maynor, and Wiley Thompson, and the said members of the said committee shall serve until their successors are appointed in the following manner: Whenever a vacancy on said committee shall occur by death, resignation, or

otherwise, the remaining members of said committee shall appoint a member of the Indian race, who is a resident of Robeson County, to fill such vacancy.

Qualifications for admission.

The qualifications for admission to the Pembroke State College for Indians shall hereafter be as follows:

(a) Persons of the race of Cherokee Indians of Robeson County, who are descendants of those that were determined to constitute those who were within the terms and contemplation of Chapter fifty-one, Laws one thousand eight hundred and eighty-five, and within the census taken pursuant thereto by the County Board of Education of Robeson County, of either sex, resident in North Carolina, who are not under thirteen years of age.

(b) Persons who are Indians who are duly accredited members of any tribe of Indians whose Indian status is recognized and accepted by the Bureau of Indian Affairs in the Department of the Interior of the United States of America.

All such persons as may be found to be within the classification specified in Subsections (a) and (b) herein, may attend the Pembroke State College for Indians located at Pembroke, North Carolina, for the education of the Indian race only, and no others shall be admitted to said college.

That the said Indian Committee, as heretofore constituted, and as herein provided, shall observe strictly the provisions herein set out as to racial qualifications of all persons who desire to enter Pembroke State College for Indians, at Pembroke, North Carolina, which is for the education of the Indian race only; and, in case there is any matter brought to their attention, in which the racial qualifications of any person who desires to enter, or who has already entered the said Pembroke State College for Indians is brought in question, the said committee shall require all those who seek to enter themselves, or to promote the entrance of such persons in said college, to prove and to establish to the satisfaction of the said committee that such persons who desire to enter are within the qualifications herein set out and are entitled to enter the said college and, unless the said committee shall be fully satisfied that such applicants are thus qualified, they shall enter upon their minutes an order refusing such admission and if they are so satisfied as to such person's racial qualifications, they shall enter an order admitting such persons. No order admitting an applicant shall be held or construed to be a judgment constituting res adjudicata, and no rights shall flow therefrom that will interfere with the reopening of such order at any time by the said committee upon its own motion, or at the instance of others.

That when an appeal is entered and prosecuted in the superior court from an order denying an admission to said college by said committee, the burden of proof shall be upon the applicants to prove and to establish (a) to the full satisfaction of the presiding judge that the evidence on behalf of the applicants, if believed, fully establishes their rights to admission under the terms of this Act; and (b) to the full satisfaction of the judge that the evidence offered on behalf of the applicant is credible, and if the presiding judge shall be fully satisfied of these requirements, then he shall submit the issues arising upon said appeal to the jury, and the burden of proof, shall be upon the applicants throughout the said trial to establish to the full satisfaction of the jury that those who seek to enter the said college come within and have all the racial qualifications as set out herein, and unless the jury shall so find, they shall return a verdict against the applicants; and it shall be the duty of the presiding judge so to instruct the jury, whether requested so to do, or not. In case the presiding judge is not satisfied that the evidence on behalf of the applicants meets the requirements above set out, to the court's satisfaction, the said cause shall not be submitted to the jury, but said appeal shall be dismissed, and upon such dismissal the court shall enter a judgment denying the admission of such applicants to said college.

That whenever the said committee, or the court upon appeal, shall decide that any person, or persons are not entitled to admission into said college, then it shall not be lawful for any teacher, or any other person in authority at said college, to admit such person, or persons, to the said college.

That whenever the said committee shall decide that any person, or persons are not entitled to admission into said college, the said committee shall, in writing, at once notify the chairman of the board of trustees, or principal, or president of said college, by whatever name called, and after the receipt of such notice, such person, or persons, so denied admission shall be and remain ineligible for admission therein until said decision shall be reversed, either by the said committee or the Superior Court of Robeson County, or the Supreme Court on appeal, and shall not thereafter be admitted unless and until notice of such reversal is received.

That any reference in the laws of this State, either in Public, Public-Local, or Private Acts, to other persons than those specified in Subsection (a) and (b) herein, that prescribe qualifications for admission into said college, shall not be evidence in any hearing before the said Indian Committee, or the superior court on appeal, and the issues in such trials, including any appeal to the Supreme Court, shall be and remain a question of fact, or an issue of fact solely, and the said committee and the

said courts, shall determine whether the appeals for admission to said college come within the factual requirements of said Subsection (a) and (b) herein, and such references in other laws pertaining to other persons, shall not be competent evidence in any of said hearings, or trials.

SEC. 4. That all laws and clauses of laws in conflict herewith, to the extent of such conflict, are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 422 CHAPTER 818

AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE MACHINERY ACT, THE SAME BEING CHAPTER THREE HUNDRED AND TEN, OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED.

The General Assembly of North Carolina do enact:

SECTION 1. That the Secretary of State with the advice of the Attorney General shall insert in the Machinery Act of one thousand nine hundred and thirty-nine, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of one thousand nine hundred and thirty-nine, one thousand nine hundred and forty-one, one thousand nine hundred and forty-three, and one thousand nine hundred and forty-five, and shall print in codified form two thousand copies of said Act as amended and supplemented, which shall be delivered to the State Board of Assessment for distribution. This compilation when certified by the Secretary of State and the Attorney General to be a true and accurate compilation of the Machinery Act of one thousand nine hundred and thirty-nine, and all amendments thereto, shall be an official compilation or statement of the Machinery Act of one thousand nine hundred and thirty-nine, as amended. Providing for codification and printing the Machinery Act.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 19th day of March, 1945.

S. B. 424 **CHAPTER 819**

AN ACT TO INCREASE THE NUMBER OF TOWN COMMISSIONERS OF THE TOWN OF GRIFTON IN PITT COUNTY FROM THREE TO FIVE.

The General Assembly of North Carolina do enact:

Increasing Commissioners of Grifton from three to five.

SECTION 1. That Section three of Chapter seventy-two of the Private Laws of one thousand eight hundred and eighty-three, as amended by Chapter one hundred twenty-seven of the Private Laws of one thousand eight hundred and eighty-nine and Chapter one hundred fifty-one of the Private Laws of one thousand eight hundred and ninety-five, is hereby further amended by striking out the word "three" in line two and inserting in lieu thereof the word "five." It is the intent and purpose of this Act to increase the number of Town Commissioners for the Town of Grifton in Pitt County from three to five.

SEC. 2. That Section two of Chapter one hundred and fifty-one of the Private Laws of one thousand eight hundred and ninety-five is hereby amended by striking out the word "three" in line three and inserting in lieu thereof the word "five."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. B. 434 **CHAPTER 820**

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWENTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN AND TO REPEAL CHAPTER SIX HUNDRED AND FOURTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN.

The General Assembly of North Carolina do enact:

Amending certain 1919 Act.

SECTION 1. Amend Section two of Chapter four hundred and twenty-five of the Public-Local Laws of North Carolina, Session one thousand nine hundred and nineteen, by striking out the entire section and inserting in lieu thereof the following:

Fixing amount for operating office of Sheriff of Lenoir County.

SEC. 2. That there shall be allowed and paid to the Sheriff of Lenoir County the sum of one hundred and sixty dollars ($160.00) per month for operating expenses of the sheriff's of-

fice, which shall include the salary of a jailer, and this allowance shall be in addition to the compensation provided for the Sheriff of Lenoir County in Section one of said Act.

Fixing compensation of Clerk of Superior Court of Lenoir County and allowance for clerical assistance.

SEC. 2. Strike out all of Section three of Chapter four hundred and twenty-five of the Public-Local Laws of North Carolina, Section one thousand nine hundred and nineteen, and insert in lieu thereof the following:

SEC. 3. That the Clerk of the Superior Court of Lenoir County shall receive a salary of four thousand two hundred dollars ($4,200.00) per annum in lieu of all other compensation, and payable as his present salary is payable ,and in addition thereto, there shall be allowed and paid to the Clerk of the Superior Court of Lenoir County an additional sum of one hundred fifty-one dollars and sixty-six cents ($151.66) per month for the purpose of hiring clerical assistance in said office.

SEC. 3. Strike out all of Section four of Chapter four hundred and twenty-five of the Public-Local Laws of North Carolina, Session one thousand nine hundred and nineteen, and insert in lieu thereof the following:

Fixing salary of Register of Deeds of Lenoir County and allowance for clerical assistance.

SEC. 4. That the Register of Deeds of Lenoir County shall receive a salary of three thousand six hundred dollars ($3,600.00) per annum in lieu of all other compensation, and payable as his or her present salary is payable, and in addition thereto, there shall be allowed and paid to the Register of Deeds of Lenoir County an additional sum of one hundred and seventy-five dollars ($175.00) per month for the purpose of hiring clerical assistance in said offices.

Repealing Chapter 614 of Public Local Laws of 1937.

SEC. 4. That Chapter six hundred and fourteen of the Public-Local Laws of North Carolina, Session one thousand nine hundred and thirty-seven, is hereby repealed.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 6. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 19th day of March, 1945.

S. B. 435 **CHAPTER 821**

AN ACT RELATING TO THE SALE AND USE OF PYROTECHNICS IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Relating to sale of fireworks in Mecklenburg County.

SECTION 1. The Board of Commissioners of Mecklenburg County are hereby authorized and empowered to regulate and/or prohibit the sale, purchase or use of pyrotechnics in Mecklenburg County. For the purposes of this Act, pyrotechnics shall be deemed to be and include any and all kinds of fireworks and explosives which are used for exhibitions or amusement purposes.

Commissioners to make regulations.

SEC. 2. The Board of Commissioners of Mecklenburg County are hereby authorized and empowered to promulgate such rules and regulations as they may deem necessary relating to the sale and use of pyrotechnics in Mecklenburg County.

Violation to constitute misdemeanor.

SEC. 3. Any person, firm or corporation violating the provisions of this Act, or any rule or regulation promulgated thereunder, shall be guilty of a misdemeanor, punishable in the discretion of the court.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 41 **CHAPTER 822**

AN ACT TO AMEND SECTION TWO - THREE OF CHAPTER TWO OF THE GENERAL STATUTES OF NORTH CAROLINA, AUTHORIZING DEPUTY CLERKS TO PERFORM THE DUTIES OF CLERKS OF THE SUPERIOR COURT AND VALIDATING PROBATES HERETOFORE MADE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter thirty-one of the General Statutes be, and the same hereby is, amended by adding a new section, to be designated as Section thirty-one - thirty-one point one, the same to read as follows:

Validating probates of witnesses to wills before notaries.

SEC. 31-31.1. Probates when witnesses examined before notary public in county of probate validated; acts of deputy clerks validated. Whenever any last will and testament has been probated, based upon the examination of the subscribing witness

or the subscribing witnesses, taken before a notary public in the county in which the will is probated, or taken before a notary public of any other county, it is hereby in all respects validated and shall be sufficient to pass the title to all real and personal property purported to be transferred thereby.

Validating probates of witnesses to wills by deputy clerks of court.

All acts heretofore performed by deputy clerks of the superior court in taking acknowledgments, examining witnesses and probate of any wills, deeds and other instruments required or permitted by law to be recorded, are hereby validated. That nothing herein contained shall affect pending litigation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 77 CHAPTER 823

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FORTY-NINE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, TO RE-ENACT CHAPTER ONE HUNDRED AND NINETY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, AND TO PLACE MACON COUNTY UNDER THE PROVISIONS OF THE STATE-WIDE PRIMARY LAW AS CONTAINED IN CHAPTER ONE HUNDRED AND SIXTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Repealing Section 1 of Chapter 349 of 1943 Session Laws.

SECTION 1. That Section one of Chapter three hundred and forty-nine of the Session Laws of one thousand nine hundred and forty-three be, and the same is hereby, repealed.

Reenacting Chapter 190 of Public Laws of 1931, placing Macon County under State Primary Law.

SEC. 2. That Chapter one hundred and ninety of the Public Laws of one thousand nine hundred and thirty-one, the same being entitled "An Act to amend Section six thousand fifty-four of the Consolidated Statutes, placing Macon County under the primary law," be, and the same is hereby, reenacted, and the same shall be in full force and effect as if the same had never been repealed.

Chapter 163 of General Statutes is extended to Macon County.

SEC. 3. That Chapter one hundred and sixty-three of the General Statutes of North Carolina, the same being entitled "Elections and Election Laws," is hereby extended to and made applicable to Macon County for the purpose of placing Macon County under the provisions of the State-wide primary law as

contained in Subchapter two, Article nineteen, of said Chapter one hundred and sixty-three.

Not to affect Graham County.

SEC. 4. That nothing in this Act shall be construed to repeal Section one (a) of Chapter three hundred and forty-nine of the Session Laws of one thousand nine hundred and forty-three as same relates to Graham County.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 96 CHAPTER 824

AN ACT TO MAKE THE PERSON RECEIVING THE LARGEST NUMBER OF VOTES IN ANY PRIMARY ELECTION HELD BY THE REPUBLICAN PARTY IN AVERY COUNTY THE NOMINEE OF SAID PARTY.

The General Assembly of North Carolina do enact:

Providing that the person receiving the largest number of votes in any Republican Primary in Avery County shall be the nominee of said party.

SECTION 1. That the candidate receiving the largest number of votes in any primary election held by the Republican Party in Avery County for the selection of a nominee for any county office or member of the General Assembly shall be declared to be the nominee of said party for the office for which he was a candidate. It is the intent and purpose of this Act to obviate the necessity of holding a second primary for such offices for the selection of nominees of the Republican Party only.

Applies only to Avery County.

SEC. 2. That this Act shall apply only to Avery County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 112 **CHAPTER 825**

AN ACT TO AUTHORIZE PAYMENT FROM THE GENERAL FUND TO MARSHALL S. BURGESS FOR DAMAGES TO AN AUTOMOBILE.

WHEREAS, it is contended that an automobile belonging to Marshall S. Burgess was damaged on January fifteenth, one thousand nine hundred and forty-four, by the falling of a tree standing at the Northeastern corner of Caswell Square between the sidewalk and the Caswell Building; and

WHEREAS, it is contended that said falling tree damaged said car to the extent of three hundred and forty-eight dollars and seventy-one cents ($348.71): Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Marshall S. Burgess.

SECTION 1. The Board of Public Buildings and Grounds is authorized to investigate the claim of Marshall S. Burgess above referred to and to reimburse him for damages caused to his car by the falling of a tree in such sum not to exceed three hundred forty-eight dollars and seventy-one cents ($348.71) as will reimburse him for actual damages found to be thus sustained.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 113 **CHAPTER 826**

AN ACT TO AMEND THE COMPULSORY ATTENDANCE LAW, INCREASING THE SCHOOL ATTENDANCE AGE TO SIXTEEN YEARS, AMENDING SECTION ONE HUNDRED AND FIFTEEN - THREE HUNDRED AND TWO OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Amending compulsory attendance law, increasing the school attendance age to 16 years, but providing certain exceptions.

SECTION 1. That Section one hundred and fifteen - three hundred and two of the General Statutes of North Carolina be, and the same hereby is, amended by changing the phrase therein "between the ages of seven and fourteen years" to read: "between the ages of seven and fifteen years during the twelve months following July first, one thousand nine hundred and forty-five, and between the ages of seven and sixteen years thereafter: *Provided* that the provisions of this Act shall not apply for the duration of the war and six months thereafter to

children living on farms, or engaged in commercial fishing or fisheries.

Provided that the superintendent and/or principal of any school where any male child, between the ages of fourteen and sixteen years, is required to attend, may excuse said child for the purpose of engaging in any gainful occupation and/or employment permitted by the labor laws of this State: this proviso to expire six months after the duration of World War Number two.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 3. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 19th day of March, 1945.

H. B. 139 CHAPTER 827

AN ACT TO REIMBURSE T. D. EAKINS OF PENDER COUNTY FOR DAMAGES TO AUTOMOBILE BY COLLISION WITH SCHOOL BUS AUGUST THIRTY-FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

WHEREAS, it is contended that on the thirty-first day of August, one thousand nine hundred and forty-three, a collision occurred between a school bus driven by A. G. Woodcock, belonging to the State Board of Education, and the automobile owned by T. D. Eakins of Pender County; and

WHEREAS, it is contended that said collision occurred by the school bus entering a main State highway without stopping and running into said car which had stopped at the intersection; and

WHEREAS, it appears that the said T. D. Eakins has suffered damages to his automobile in the sum of four hundred fifty dollars ($450.00) and has no legal remedy against the State Board of Education: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to T. D. Eakins.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of the said T. D. Eakins above referred to and upon production of satisfactory proof that the collision and damages occurred through the negligent operation of the school bus and without contributory negligence on the part of the driver of said automobile, the State Board of Education is authorized to pay to said T. D. Eakins a sum not

exceeding four hundred fifty dollars ($450.00) to reimburse him for the damage to his automobile.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 168 **CHAPTER 828**

AN ACT TO REWRITE ARTICLE THIRTY-ONE OF CHAPTER ONE HUNDRED AND SIX OF THE GENERAL STATUTES OF NORTH CAROLINA, THE SAME BEING "THE NORTH CAROLINA SEED LAW."

The General Assembly of North Carolina do enact:

SECTION 1. Article thirty-one of Chapter one hundred and six of the General Statutes of North Carolina, the same being "The North Carolina Seed Law," is hereby rewritten to read as follows: Rewriting the North Carolina Seed Law.

ART. 31. North Carolina Seed Law. Title.

SEC. 106-277. Short title. This Article shall be known by the short title of "The North Carolina Seed Law."

SEC. 106-278. Construction to conform with Federal Act. This article and the terms used therein shall be construed so as to conform in so far as possible with the construction placed upon the Federal Seed Act and regulations issued thereunder, and to effectuate its purpose to make uniform the seed laws of the State. Construction to conform to Federal Act.

SEC. 106-279. Administered by commissioner. This article shall be administered by the Commissioner of Agriculture of the State of North Carolina hereinafter referred to as the "Commissioner." To be administered by Commission of Agriculture.

SEC. 106-280. Definitions. When used in this article: Definitions.

a. The term "person" includes a person, firm, partnership, corporation, company, society, association, trustee, agency, or receiver. Person.

b. The term "agricultural seeds" shall include the seeds of grass, forage, cereal, fiber, cover crops and any other kinds of seed commonly recognized within this State as agricultural or field seeds, and mixtures of such seeds. Agricultural seeds.

Vegetable seeds. c. The term "vegetable seeds" shall include the seeds of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds in this State.

Lot of seed. d. The term "lot of seed" means a definite quantity of seed identified by a lot number, or mark, every portion or bag of which is uniform, for the factors which appear in the labeling, within permitted tolerance.

Kind. e. The term "kind" means one or more related species or subspecies which singly or collectively is known by one common name; exempli gratia, corn, wheat, lespedeza.

Variety. f. The term "variety" means a subdivision of a kind characterized by growth, plant, fruit, seed or other characteristics by which it can be differentiated from other sorts of the same kind; exempli gratia, Holcombe's Prolific Corn, Redhart Wheat, Kobe Lespedeza.

Pure seed. g. The term "pure seed" shall include all seeds of the kind or kind and variety under consideration, whether shriveled, cracked, or otherwise injured, and pieces of broken seeds larger than one half the original size.

Inert matter. h. The term "inert matter" shall include broken seeds when one half in size or less; seeds of legumes or crucifers with the seed coats removed; undeveloped and badly injured weed seeds such as sterile dodder which, upon visual examination, are clearly incapable of growth; empty glumes of grasses; attached sterile glumes of grasses (which must be removed from the fertile glumes except in Rhodes grass); dirt, stone, chaff, nematode, fungus bodies and any matter other than seeds.

Other crop seed. i. The term "other crop seed" shall include all seeds of plants grown in this State as crops, other than the kind or kind and variety included in the pure seed, when not more than five per cent (5%) of the whole of a single kind or variety is present, unless designated as weed seeds.

Weed seeds. j. The term "weed seeds" shall include the seeds of all plants generally recognized within this State as weeds and shall include noxious weed seeds.

Noxious weed seeds. k. Noxious weed seeds shall be divided into two classes, "primary noxious weed seeds" and "secondary noxious weed seeds," as defined as follows:

Primary noxious weed seeds. (1) "Primary noxious weed seeds" are the seeds of perennial weeds which not only reproduce by seed, but also spread by underground roots or stems and which, when established, are highly destructive and are not controlled in this State by cultural practices commonly used.

(2) "Secondary noxious weed seeds" are the seeds of such weeds as are very objectionable in fields, lawns, or gardens of this State, and are difficult to control by cultural practices commonly used. Secondary noxious weed seeds.

1. The term "germination" means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions. Germination.

m. The term "hard seeds" means the percentage of seeds which, because of hardness or impermeability do not absorb moisture or germinate under prescribed tests but remain hard during the period prescribed for germination of the kind of seed concerned. Hard seeds.

n. The term "mixture" means seeds consisting of more than one kind or variety, each present in excess of five per cent (5%) of the whole. Mixture.

o. The term "labeling" includes all labels, or tags, and other written, printed, or graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices. Labeling.

p. The term "advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this article. Advertisement.

q. The term "processing" means cleaning, scarifying, or blending to obtain uniform quality and other operations which would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, or the preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed. Processing.

r. The term "certified seed" and "registered seed" mean seed that has been produced and labeled in accordance with the procedure and in compliance with the rules and regulations of an officially recognized seed certifying agency or association of agencies which have previously been approved by the commissioner. Certified seed.

s. The term "hybrid seed corn" as applied to field corn, sweet corn, or pop corn means the first generation seed of a cross produced by controlling the pollination, and by combining two, three or four inbred lines, or by combining one inbred line or a single cross with an open pollinated variety. Hybrid designations shall be treated as variety names. Hybrid seed corn.

Grower.

t. The term "grower" shall mean any person who produces seed corn, offered, or exposed for sale directly as a landlord, tenant, sharecropper, or lessee.

Dealer.

u. The term "dealer" shall mean any person not classified as a "grower," selling or offering for sale any seed grown under contract for resale for seeding purposes.

North Carolina seed analysis tag.

v. The term "North Carolina seed analysis tag" shall mean the tag designated and prescribed by the commissioner as the official North Carolina seed analysis tag, said tag to be purchased from the commissioner.

Tag and label requirements.

SEC. 106-281. Tag and label requirements. The container of every lot of agricultural or vegetable seed, sold, offered for sale, or exposed for sale within this State for seeding purposes, shall have attached thereto a North Carolina seed analysis tag or label on which is plainly written or printed the following information:

a. For Agricultural Seeds:

(1) Lot number or other identification.

(2) Origin, if known; if unknown, so stated.

(3) Commonly accepted name of kind and variety of each agricultural seed component in excess of five per cent (5%) of the whole and the percentage by weight of each, in the order of its predominance.

(a) When the variety name of the seed is unknown, it shall be so stated.

(b) Where more than one component is required to be named, the word "mixture" or "mixed" shall be included in the name on the label.

(c) Hybrid seed corn shall be labeled with the name and/or number by which the hybrid is commonly designated.

(4) Percentage by weight of other crop seeds.

(5) Percentage by weight of inert matter.

(6) Percentage by weight of all weed seeds.

(7) The name and number per pound of secondary noxious weed seeds when present singly or collectively, subject to the tolerances and method of determination prescribed in the rules and regulations under this article.

(8) For each named agricultural seed the:

(a) Percentage of germination exclusive of hard seeds.

(b) Percentage of hard seeds, if present.

(c) Percentage of germination plus percentage of hard seeds may be stated if desired as total viability.

(d) Calendar month and year the test was completed to determine such percentages.

(9) Name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale.

b. For Vegetable Seeds:

(1) Name of kind and variety of seed.

(2) Origin of snap beans; if unknown so stated.

(3) Per cent of germination with month and year of test, or the statement "North Carolina Standard or better" and month and year of test.

(4) For seeds which germinate less than the standards last established by the commissioner and Board of Agriculture under this article the following information shall be shown on the label:

(a) The words "BELOW STANDARD" in not less than eight-point type.

(b) Percentage of germination exclusive of hard seed.

(c) Percentage of hard seed, if present.

(d) The month and year of test.

(5) The name and address of person who labeled said seed or who sells, offers, or exposes said seed for sale.

c. Exemptions:

(1) The label requirements for peanuts, cotton and tobacco seed shall be limited to:

(a) Lot number or other identification.

(b) Origin, if known; if unknown, so stated.

(c) Commonly accepted name of kind and variety.

(d) Percentage of germination.

(e) Name and address of person who labeled said seed or who sells, offers, or exposes said seed for sale.

(2) The label requirements as to the "origin" of snap beans shall not apply to seed in containers weighing less than ten (10) pounds.

(3) The label requirement as to the "germination" of vegetable seeds, when equal to or exceeding the standards last adopted by the commissioner and Board of Agriculture under this article, shall not apply to seed in containers weighing less than ten (10) pounds.

(4) When the required analysis and other information regarding the seed is present on a seedsman's label or tag, accompanied by the North Carolina seed analysis tag on which is written, stamped or printed the lot number or other identification and the words "See Attached Tag for Seed Analysis," the provisions of Section one hundred and six - two hundred and eighty-one shall be deemed to have been complied with.

(5) No tag or label shall be required, unless requested, on seeds sold directly to, and in the presence of, the consumer and taken from a bag or container properly labeled in accordance with the provisions of Section one hundred and six - two hundred and eighty-one.

(6) The official tag or label of the North Carolina Crop Improvement Association shall be considered an "official North Carolina seed analysis tag" when it provides information in compliance with Section one hundred and six - two hundred and eighty-one, and when attached to containers of seed duly certified by the said association, and when fees applicable to said tag have been paid to the commissioner.

(7) No person shall be subject to the penalties of this article for having sold, offered, or exposed for sale in this State any agricultural or vegetable seeds which were incorrectly labeled or represented as to origin, kind and variety, when such seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice or grower's declaration giving origin, kind and variety, and to take such other precautions as may be necessary to insure the identity to be that stated.

Invoices and records must be preserved accessible for inspection.

SEC. 106-282. Invoices and records. Each person handling agricultural seed subject to this article shall keep for a period of one year complete records of each lot of agricultural seed handled. When there is evidence of a violation of this article, invoices, records of purchases and sales, and any other records pertaining to the lot or lots involved shall be accessible for inspection by the commissioner or his authorized agent in connection with the administration of this article at any time during customary business hours.

SEC. 106-283. Prohibitions. It shall be unlawful:

a. For any person within this State to sell, offer, or expose for sale any agricultural or vegetable seed for seeding purposes:

(1) Unless a license has been obtained in accordance with the provisions of this article. License required.

(2) Unless the test to determine the percentage of germination shall have been completed within a nine-month period, exclusive of the calendar month in which the test was completed, prior to sale or exposure for sale or offering for sale or transportation. Recent tests.

(3) Not labeled in accordance with the provisions of Section one hundred and sixty - two hundred and eighty-one, or having a false or misleading label: *Provided*, that the provisions of Section one hundred and six - two hundred and eighty-one shall not apply to seed being sold by a grower to a dealer, or to seed consigned to or in storage in a seed cleaning or processing establishment for cleaning or processing: *Provided, further*, that any labeling or other representation which may be made with respect to the unclean seed shall be subject to this article. Labeling.

(4) Containing primary noxious weed seeds, subject to tolerances and method of determination prescribed in the rules and regulations under this article. Primary noxious weeds.

(5) Seed that have been treated with poisonous material unless the label on such seed is plainly marked in red color, in not less than eight-point type with the information that they have been "Poison Treated." Poison treated.

b. For any person within this State:

(1) To detach, substitute, imitate, alter, deface or destroy any label provided for in this article, or in the rules and regulations made and promulgated thereunder, or to alter or substitute seed in a manner that may defeat the purpose of this article. Altering or removing label.

(2) To disseminate any false or misleading advertisement concerning agricultural or vegetable seed in any manner or by any means. False advertisement.

(3) To hinder or obstruct in any way a duly authorized person in the performance of his duties under this article. Obstructing administration.

(4) To fail to comply with a written order of the commissioner or his authorized agent to withdraw from sale, or to move, or allow to be moved without written permission of the commissioner or his authorized agent, any seed ordered removed from sale not complying with the requirements of this article. Noncompliance with orders.

(5) To sell, offer, or expose for sale any "Foundation Seed," "Registered Seed," or "Certified Seed" unless it has been produced and labeled in compliance with the rules and regulations of a seed-certifying agency approved by the commissioner. Certified seed.

Hybrid seed corn.

(6) To sell, offer, or expose for sale any hybrid seed corn that has not been recorded annually with the commissioner, giving the pedigree of the hybrid and the name of the person who developed each inbred line involved in the cross.

Disclaiming warranties no defense.

SEC. 106-284. Disclaimers and nonwarranties. The use of a disclaimer or nonewarranty clause in any invoice, advertising, labeling, or written, printed, or graphic matter, pertaining to any seed shall not constitute a defense, or be used as a defense in any way, in any prosecution, or in any proceeding for confiscation of seeds, brought under the provisions of this article, or the rules and regulations made and promulgated thereunder.

Administration.

SEC. 106-284.1. Administration. For the purpose of carrying out the provisions of this article, it shall be the duty of the commissioner or his authorized agents:

Inspecting.

a. To sample, inspect, make analysis of, and test agricultural and vegetable seeds transported, sold, offered, or exposed for sale within this State for seeding purposes, at such time and place and to such extent as he may deem necessary to determine whether said agricultural or vegetable seeds are in compliance with the provisions of this article, and to notify promptly the person who transported, sold, or offered or exposed seed for sale, of any violation.

Regulations.

b. To prescribe, and after public hearing following due public notice, to adopt with the approval of the Board of Agriculture, rules, regulations and standards, having the force and effect of law:

Methods.

(1) Prescribing the methods of sampling, inspecting, analyzing, testing and examining agricultural and vegetable seed ,and determining the tolerances to be followed in the administration of this article.

Declaring lists.

(2) Declaring a list of primary and secondary noxious weeds, conforming with the definitions stated in this article, and to add to or subtract therefrom, from time to time, after a public hearing following due public notice.

(3) Declaring the maximum percentage of total weed seed content permitted in agricultural seed.

(4) Declaring the maximum number of secondary noxious weed seeds per pound of agricultural seed permitted to be sold, offered or exposed for sale, and to define "low grade seed."

(5) Declaring "Germination Standards" for vegetable seeds.

(6) Declaring "North Carolina Grade Standards" for agricultural seed.

(7) Prescribing the form and use of tags to be used in labeling seed.

(8) Prescribing such other rules and regulations as may be necessary to secure the efficient enforcement of this article.

c. To enter upon any public or private premises during regular business hours in order to have access to seeds subject to this article and the rules and regulations made and promulgated hereunder.

d. To issue and enforce a written or printed "Stop-Sale" order to the owner or custodian of any lot of agricultural or vegetable seed and to hold at a designated place, when the commissioner or his authorized agent finds said seed is being offered or exposed for sale in violation of any of the provisions of this article, until the law has been complied with and said seed is released in writing by the commissioner or his authorized agent or said violation otherwise legally disposed of by written authority: *Provided,* that after a period of sixty (60) days from the date of the "Stop-Sale" order, if no attempt is made to comply with the seed law, said lot or lots of agricultural or vegetable seed shall be forfeited to the State of North Carolina. The commissioner shall have the authority to dispose of said seed in any manner consistent with the quality of the seed, and the laws of the State.

e. To revoke any seed license issued, or to refuse to issue a seed license to any person as hereinafter provided, upon satisfactory proof that said person has flagrantly violated any of the provisions of this article, or any of the rules and regulations made and promulgated thereunder: *Provided,* that no license shall be revoked or refused until the person shall have first been given a hearing by the commissioner.

Any person who is refused a license, or whose license is revoked by an order of the commissioner, may appeal within thirty (30) days from said order to any court of competent jurisdiction.

f. To establish and maintain a "State Seed Laboratory" with adequate facilities and qualified personnel for such inspection, sampling and testing as may be necessary for the efficient enforcement of this article.

g. To make or provide for making purity and germination tests of seeds, upon request, for farmers or seedsmen, and to prescribe rules and regulations governing such testing.

h. To record annually the hybrid seed corn which has been tested and approved the previous year in the official variety tests of the North Carolina Agricultural Experiment Station in the

section or sections of the State where it is to be offered for sale. The commissioner, by and with the advice of the Director of the North Carolina Agricultural Experiment Station, may refuse to record any hybrid corn seed which has been shown to be inferior, or which has not been tested or approved by the North Carolina Experiment Station.

i. To publish or cause to be published at intervals information covering the findings of the State Seed Laboratory.

j. To cooperate with the United States Department of Agriculture in seed law enforcement.

Seizure of seed.

SEC. 106-284.2. Seizure. Any lot of agricultural or vegetable seed not in compliance with the provisions of this article shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which the seed is located. In the event the court finds the seed to be in violation of this article and orders the condemnation of said seed, it shall be disposed of in any manner consistent with the quality of the seed and the laws of the State: *Provided,* that in no instance shall the disposition of said seed be ordered by the court without first giving the claimant an opportunity to apply to the court for the release of said seed or for permission to process or relabel it to bring it into compliance with this article.

Providing funds for expenses.

SEC. 106-284.3. Funds for expenses; licensing; inspection stamps. For the purpose of providing a fund to defray the expenses of the inspection, examination, analysis of seeds and enforcement of the provisions of this article:

Dealer to purchase analysis tags.

a. Each seed dealer selling, offering, or exposing for sale in, or exporting from, this State, any agricultural or vegetable seed for seeding purposes, shall purchase from the commissioner for one cent each, official North Carolina seed analysis tags and shall attach a tag to each container of seed weighing ten (10) pounds or more.

Dealers to register and obtain annual licenses.

b. Each seed dealer selling, offering, or exposing for sale in, or exporting from, this State, any agricultural or vegetable seeds, other than packet or package seeds, for seeding purposes, shall register with the commissioner his name and shall obtain a license annually on January first of each year, and shall pay for such license as follows:

Rate for wholesaler.

(1) Twenty-five dollars ($25.00), if a wholesaler, or a wholesaler and retailer.

Retailer.

(2) Ten dollars ($10.00), if a retailer with sales in excess of one hundred dollars ($100.00), for the calendar year. Each branch of any wholesaler or retailer shall be required to obtain a retail license.

(3) One dollar ($1.00), if a retailer at a permanent location with sales not in excess of one hundred dollars ($100.00): *Provided,* that if and when the seed sales for the calendar year shall exceed one hundred dollars ($100.00), application must be made for a ten-dollar ($10.00) license, credit to be given for the one dollar ($1.00) license previously secured.

Inspection stamps.

c. A one dollar ($1.00) inspection stamp shall be purchased from the commissioner for each seventy-two (72) dozen packets or packages of vegetable or flower seeds, or fraction thereof. The said stamp shall be secured by the producer, grower, jobber or other person, firm or corporation shipping such seed into the State before shipment to agent or retailer, and shall be furnished to said agent or retailer for attachment to display case: *Provided, also,* that any producer, grower, jobber or other person, firm, or corporation, residing within this State shall secure said stamp before furnishing any such seed to any agent or retailer within the State for resale. The said agent or retailer is made responsible for obtaining said stamp which shall be attached to the display case before the seed are offered or exposed for sale, and shall expire at the end of the calendar year for which issued: *Provided further,* that in cases where package seed of one kind or variety are offered or exposed for sale in boxes or display cases not in excess of six (6) dozen packages, a ten-cent stamp shall be purchased from the commissioner and attached to said box or display case.

Exempting operator of harvester.

d. No owner or operator of any harvester or threshing machine operating on a share basis and selling only the seed obtained in this manner shall come under the provisions of Section one hundred and six - two hundred and eighty-four point three.

Violation to constitute misdemeanor.

SEC. 106-284.4. Violations and prosecutions. Every violation of the provisions of this article shall be deemed a misdemeanor and punishable by a fine not to exceed five hundred dollars ($500.00).

Proceedings to determine violations.

When the Commissioner of Agriculture finds that this Article has been violated, as shown by tests, examinations or analyses, he shall give notice to the person charged with violating this article, designating a time and place for a hearing. The person involved shall have the right to introduce evidence either in person or by agent or attorney. If after said hearing, or without a hearing in case said person fails or refuses to appear, the commissioner decides that the evidence warrants prosecution, he, or his duly authorized agent or agents, may institute proceedings in a court of competent jurisdiction against such person. If he so elects, the commissioner may report the results of such examination to the Attorney General, together with a sworn statement of the analyst duly acknowledged, and other evidence of

such violation as he may deem necessary; and it shall be the duty of the Attorney General, or, in his discretion, to act through the attorney in the county or city in which such violation occurred, to institute proceedings at once against the person charged with such violation.

Evidence.

The sworn statement of the analyst shall be admitted as evidence in any court of this State in any proceeding instituted under this article, but upon motion of the accused, such analyst shall be required to appear as a witness and be subject to cross-examination.

When the provisions of this article have been fully complied with regarding any seeds which have been withdrawn from sale or have been ordered by the commissioner to be disposed of for other than seeding purposes, the commissioner, in his discretion, may release the same for sale upon the payment of all costs and expenses incurred by the Department of Agriculture in any proceeding connected with such withdrawal.

SEC. 2. If any clause, provision or section of this Act is held invalid, the remaining sections and provisions shall not be affected thereby.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 229 CHAPTER 829

AN ACT TO AUTHORIZE THE STATE BOARD OF HEALTH TO ESTABLISH SANITARY STANDARDS AND METHODS OF INSPECTION FOR PRIVATE HOSPITALS, SANITARIUMS, SANATORIUMS AND EDUCATIONAL INSTITUTIONS.

The General Assembly of North Carolina do enact:

Authorizing State Board of Health to regulate private hospitals and educational institutions.

SECTION 1. To safeguard the health of patients, residents and students of private hospitals, sanitariums, sanatoriums and educational institutions in North Carolina, the State Board of Health is hereby authorized and empowered to make rules and regulations governing the sanitation of all such establishments and to provide a system of grading applicable thereto.

Inspections.

SEC. 2. The officers, sanitarians and agents of the State Board of Health are hereby empowered and authorized to enter any private hospital, sanitarium, sanatorium, or educational insti-

tution for the purpose of making inspections, and it is hereby made the duty of every owner, superintendent, manager, agent or person in charge of such establishment to afford free access to every part of such establishment, and to render all aid and assistance necessary to enable the sanitarians or agents of the State Board of Health to make a complete examination thereof, but the privacy of no person may be violated without his consent. The sanitarian or agent shall leave with the management, or person in control, a copy of the report and a grade card showing the grade of such place, and it shall be the duty of said owner, superintendent, manager, agent or person in charge, to post said card in a conspicuous place where it may be readily observed by the patients, residents or students. The grade card shall not be removed by anyone, except an authorized sanitarian or agent of the State Board of Health, or upon its instruction. If any establishment receives a grade below the minimum standard set by the State Board of Health, a reasonable time shall be given by the State Board of Health in which to make the alterations necessary to raise the grade. If the alterations are not made within the time set, the owner, superintendent, manager, agent or other person in charge shall be subject to the penalties provided by Section three of this Act.

Violation to constitute misdemeanor.

SEC. 3. Any owner, superintendent, manager, agent, or person in charge of any hospital, educational institution, sanitarium, sanatorium, or any other person who wilfully obstructs, hinders or interferes with a sanitarian, agent, or officer of the State Board of Health, in the proper discharge of his duty, or who shall be found guilty of violating any other provision of this Act, or any of the rules and regulations that may be provided under this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars ($10.00), nor more than fifty dollars ($50.00), or imprisoned for not more than thirty (30) days. Each day the provisions of this Act are violated shall constitute a separate offense.

SEC. 4. Sections seventy-two - eight through seventy-two - twenty-nine, inclusive, of the General Statutes of North Carolina are hereby repealed.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 267 **CHAPTER 830**

AN ACT TO AMEND CHAPTER EIGHTY-SIX OF THE GENERAL STATUTES OF NORTH CAROLINA REGULATING THE PRACTICE OF BARBERING IN THE STATE OF NORTH CAROLINA SO AS TO ENABLE BARBERS IN THE ARMED FORCES TO RENEW THEIR CERTIFICATES AND TO PROVIDE FOR BARBER SHOP AND SCHOOL PERMITS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section eighty-six - one of the General Statutes of North Carolina be amended by adding at the end of said section, the following:

Requiring barber service permits to be issued by State Board of Barber Examiners.

No person, or combination of persons, or corporation, shall operate, manage, or attempt to manage or operate a barber school, barber shop, or any other place where barber service is rendered, after July first, one thousand nine hundred and forty-five, without a shop permit, or school permit, issued by the State Board of Barber Examiners, pursuant to the provisions of this chapter.

Amending Section 86 - 7 of General Statutes.

SEC. 2. That Section eighty-six - seven of the General Statutes be amended by striking out all of line seven, after the word, "exceed" and before the word, "such" in line eight, and inserting in lieu thereof, the words, "thirty-six hundred dollars ($3,600.00)."

Amending Section 86 - 8.

SEC. 3. That Section eighty-six - eight of the General Statutes be amended by striking out all of line three after the word, "of" and before the word, "payable" in line four and inserting in lieu thereof, "thirty-six hundred dollars ($3,600.00)."

Amending Section 86 - 15.

SEC. 4. That Section eighty-six - fifteen of the General Statutes be amended by striking out all of said section after the word, "dollars" in line twenty-one and inserting in lieu thereof the following:

Fixing cost of barber shop permits.

The fee to be paid for all barber shop permits, established, and under the inspection of the State Board of Barber Examiners as of July first, one thousand nine hundred and forty-five, shall be two dollars ($2.00), and the initial fee to be paid by barber shops thereafter established, shall be five dollars ($5.00) for the first year, or portion thereof, and the annual renewal fee for each barber shop permit shall be two dollars ($2.00). The fee to be paid for barber school permits operating on, or before July first, one thousand nine hundred and forty-five, shall be twenty-five dollars ($25.00). The initial fee to be paid by each barber school thereafter established, shall be fifty dollars ($50.00), and the annual renewal fee for each barber school per-

mit shall be twenty-five dollars ($25.00). Each barber shop permit and each barber school permit shall be renewed as of the thirtieth day of June, each and every year, and shall not be transferable from one person to another, and such barber shop and barber school permit shall be conspicuously posted within each shop or school, or any place or establishment: *Provided, further,* that all fees received under this Act shall be used exclusively for the enforcement of this Act as provided by law.

Amending Section 86 - 19.

SEC. 5. That Section eighty-six - nineteen of the General Statutes be amended by striking out the period at the end of said section and adding the following:

Relating to renewal of certificates for veterans.

All persons serving in the United States Armed Forces or any persons whose certificates of registration as a registered barber, or registered apprentice, were in force one year prior to entering service, or one year prior to the beginning of war, may, without taking the required examination, renew said certificate within three years after receiving an honorable discharge, any other persons three years after the end of war, by paying the current annual license fee and furnishing the State Board of Barber Examiners with a satisfactory health certificate.

Amending Section 86 - 20.

SEC. 6. That Section eighty-six - twenty of the General Statutes be amended by adding after the word, "registration" in line three and before the word "for" in line four, "or barber shop permit, or barber school permit." And by adding at the end of said section, "and eighty-six - fifteen."

Amending Section 86 - 21.

SEC. 7. That Section eighty-six - twenty-one of the General Statutes be amended by adding after the word, "registration," and before the word, "however," in line four, the words, "barber shop permits, or barber school permits." And by adding at the end of said section, the words, "if it appears to the court that the law was not followed in said action."

Adding new Section.

SEC. 8. That said Chapter eighty-six of the General Statutes of North Carolina be amended by adding a new section to read as follows:

Licensing and regulating barber schools and colleges.

SEC. 86-25. Licensing and regulating barber schools and colleges. The North Carolina State Board of Barber Examiners shall have the right to approve barber schools or colleges in the State, and to prescribe rules and regulations for their operation. However, no barber school or college shall be approved by the board unless it meets all of the following provisions:

Course of instruction.

(a) Provide a course of instruction of six months, or one thousand two hundred and forty-eight hours (1,248) for each student; attendance on each working day to consist of not less than eight hours.

Qualifications for barber teachers.

(b) Each instructor or teacher in any barber school or college must be the holder of an up to date certificate of registration as a registered barber in the State of North Carolina, and before being permitted to instruct or teach, shall pass an examination prescribed by the board to determine his or her qualifications to instruct or teach. Such examination shall be based, among other things, on the provisions of Subsection (c) of this section.

Subjects for instruction.

(c) Each student enrolled shall be given a complete course of instruction on the following subjects: haircutting; shaving; shampooing, and the application of creams and lotions; care and preparation of tools and implements; scientific massaging and manipulating of muscles of the scalp, face, and neck; sanitation and hygiene; shedding and regrowth of hair; elementary chemistry relating to sterilization and antiseptics; instruction in common skin and scalp diseases to the extent that they may be recognized; pharmacology as it relates to preparations commonly used in barber shops; instruction in the use of ultra-violet, infra-red lamps and other electrical appliances and the effects of the use of each on the human skin; structure of the skin and hair; structure of the head and cranium; muscles of the head, neck and face; glands of the skin and their various functions; cells, digestion; blood circulation; nerve points of the face.

Student's permits.

(d) An application for student's permit and doctor's certification must be filed with the State Board of Barber Examiners for each student before entering school or college. Such application to be worded as prescribed by the State Board of Barber Examiners. No student shall be entitled to enroll without student's permit.

Monthly reports on students.

(e) A monthly report of each student enrolled shall be furnished the State Board of Barber Examiners on the first of each month. This report to be prescribed by the State Board of Barber Examiners.

Barber services for patrons in barber schools must be by students.

(f) All services rendered in schools or colleges on patrons, must be done by students only. Instructors may be allowed to teach and aid the students in performing the various barber services, but they shall not be permitted to finish up the patrons after the student has completed work.

Students can not continue in service pay department after completing course.

(g) After the student has completed six months, or one thousand two hundred and forty-eight (1,248) hours in school or college, he shall not be allowed to remain in the pay department to work on patrons.

Sign must indicate school.

(h) A sign must be displayed on front of the place of business designating that it is a school or college.

(i) The Board of Barber Examiners shall have the right to withdraw the approval of any barber school or college for the violation of any of the provisions of this section.

Authorizing State Board to withdraw approval of any school that violates this Act.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 284 **CHAPTER 831**

AN ACT TO PAY THE HOSPITAL AND MEDICAL EXPENSE OF FLOYD SIMMONS OF CALDWELL COUNTY INCURRED BECAUSE OF INJURIES SUSTAINED BY BEING HIT BY A STATE SCHOOL BUS ON OCTOBER SEVENTH, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

WHEREAS, it is contended that on the seventh day of October, one thousand nine hundred and forty-three, Floyd Simmons, of Hudson, Caldwell County, was struck by a State school bus which was allegedly being operated at the time by the duly appointed driver in a careless and reckless manner; and

WHEREAS, said Floyd Simmons was a patient in the Caldwell Hospital for treatment for contusion and abrasion of the left hip, and otherwise seriously injured, necessitating incurring a medical and hospital bill in the sum of one hundred thirty-one dollars and fifty cents ($131.50); and

WHEREAS, there is now due and owing to said hospital the sum of one hundred thirty-one dollars and fifty cents ($131.50), and neither it nor the said Floyd Simmons is authorized by law to recover from the State Board of Education or the State of North Carolina, said sum: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of hospital and medical expenses of Floyd Simmons.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of the said hospital for medical treatment and hospitalization of Floyd Simmons in the sum of one hundred thirty-one dollars and fifty cents ($131.50) and upon production of satisfactory proof that the injuries sustained, occurred through the negligent operation of the school bus by the duly authorized driver and that the said Floyd Simmons did not contribute to his injuries, the State Board of Education is authorized to pay to the said Caldwell Hospital, not in excess of the sum of one hundred thirty-one dollars and fifty

cents ($131.50) for medical treatment and hospitalization of the said Floyd Simmons.

Conflicting laws repealed.

SEC. 2. That all laws and c lauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 289 CHAPTER 832

AN ACT PROVIDING THAT ALL TAX LIENS UPON WHICH SUIT HAS NOT BEEN INSTITUTED SHALL BE BARRED TEN YEARS AFTER DUE DATE.

The General Assembly of North Carolina do enact:

SECTION 1. That Article thirty-four of Chapter one hundred and five of the General Statutes of North Carolina is hereby amended by writing a new section to read as follows:

Providing that all tax liens upon which suit has not been instituted shall be barred 10 years after due date.

105-423.1. Tax liens where foreclosure suit not instituted, barred ten years after due date. No action shall be maintained by any country or municipality to enforce any remedy provided by law for the collection of taxes or the enforcement of any tax liens held by counties and municipalities whether such taxes or tax liens are evidenced by original tax books or tax sales certificates unless such action s hall be instituted, and a lis pendens shall have been filed in the office of the clerk of the superior court in the county where the tax was levied, within ten years from the time such taxes became due, or if payable in installments, ten years from the due date of each installment.

Applies only to Guilford, Durham, Mecklenburg, Jones and Onslow Counties.

SEC. 1½. That this Act shall apply only to the Counties of Guilford, Mecklenburg, Durham, Jones and Onslow and municipalities therein.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective dates.

SEC. 3. That this Act shall be in full force and effect from and after October first, one thousand nine hundred and forty-six, except, as to Durham County, it shall be in full force and effect from and after October first, one thousand nine hundred and forty-seven.

Ratified this the 19th day of March, 1945.

H. B. 301 CHAPTER 833

AN ACT TO REWRITE SECTION ONE HUNDRED AND FIFTEEN - THREE HUNDRED AND SEVENTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE DRIVERS OF PUBLIC SCHOOL BUSES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one hundred and fifteen - three hundred and seventy-eight of the General Statutes of North Carolina by adding at the end of said section a proviso which shall read as follows:

Amending law relating to school bus drivers in Craven County.

Provided, that the Board of Commissioners for Craven County, if it so desires, is authorized and empowered in its discretion to employ, fix the salary of and pay any driver or drivers of public school buses in Craven County: *Provided, further,* that the Board of Commissioners for Craven County is authorized and empowered for this purpose to use any funds paid over to it or to the County of Craven by the State Board of Alcoholic Control, County Board of Alcoholic Control, or any other funds paid to said county by reason of the legalized sale of alcoholic beverages. The Board of Commissioners for Craven County is also authorized and empowered to use any other surplus funds or general funds in order to carry out the purposes of this section.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 303 CHAPTER 834

AN ACT TO AMEND CERTAIN SECTIONS OF THE GENERAL STATUTES OF NORTH CAROLINA TO PERMIT PERSONS SIXTEEN YEARS OF AGE OR OVER TO OPERATE MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Amending law relating to age limit for holders of driver's permit.

SECTION 1. Amend Section twenty - seven of the General Statutes of North Carolina by striking out the proviso beginning in the sixth line of said section.

SEC. 2. Amend Paragraph (c) of Section twenty - eight of the General Statutes of North Carolina by rewriting said Paragraph (c) so that the same shall hereafter read as follows:

(c) A nonresident, who is at least fifteen (15) years of age and who has in his immediate possession, a valid operator's license issued to him in his home state or country, may operate a motor vehicle in this State only as an operator;

SEC. 3. Amend Paragraph (a) of Section twenty - nine of the General Statutes of North Carolina by striking out the phrase "sixteen (16) years" in the second line of said paragraph (a) and inserting in lieu thereof the following: "fifteen (15) years."

SEC. 4. Amend Section twenty - eleven of the General Statutes of North Carolina by striking out the words and figures "sixteen (16)" in line three of said section and inserting in lieu thereof the following: "fifteen (15)."

SEC. 5. Amend Section twenty - twelve of the General Statutes of North Carolina by striking out the word "sixteen" as same appears in the second and third lines of said section and by inserting in lieu thereof the following: "fifteen."

SEC. 6. Amend Section twenty - thirty-two of the General Statutes of North Carolina by striking out the word "sixteen" as same appears in the third line of said section and by inserting in lieu thereof the following: "fifteen."

Requiring drivers of certain vehicles to be as much as 16 years of age.

SEC. 7. It shall be unlawful for any person under the age of sixteen years to drive a vehicle of more than ten thousand (10,000) pounds gross weight on the highways of this State, or for a person under the age of sixteen years to drive a vehicle hauling any materials of a highly inflammable nature such as kerosene, gasoline, and/or explosives such as dynamite and similar commodities, or for a person under sixteen years of age to operate a public school bus.

Continue in effect for 2 years.

SEC. 7½. This Act shall remain in force for two years from the date of its ratification and no longer.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 325 CHAPTER 835

AN ACT AMENDING SECTION ONE HUNDRED AND TWENTY-SEVEN - ONE HUNDRED AND ELEVEN, SUBSECTION TWO, OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE MEMBERSHIP OF THE NORTH CAROLINA STATE GUARD.

The General Assembly of North Carolina do enact:

Amending law relating to age of members of State Guard.

SECTION 1. That Section one hundred and twenty-seven - one hundred and eleven, Subsection two of the General Statutes be and the same is hereby amended by striking out the period in line eight and inserting in lieu thereof a semicolon and adding the following: *Provided, however,* that the members of the band may be composed of men of not less than sixteen and not more than fifty years of age.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 366 CHAPTER 836

AN ACT TO REGULATE FOX HUNTING IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Regulating hunting gray foxes in Mitchell County.

SECTION 1. It shall be lawful to run gray foxes with dogs at any time in Mitchell County but they may be hunted with guns only during the regular open shooting season on other game birds and animals.

Unlawful to kill red foxes in Mitchell County.

SEC. 2. It shall be unlawful to kill red foxes in Mitchell County but they may be run with dogs in said county at any time.

To injure or kill red fox in said County shall be misdemeanor.

SEC. 3. If any person shall wilfully injure or kill any red fox in Mitchell County, he shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine not to exceed fifty dollars ($50.00), or imprisonment not to exceed thirty (30) days, in the discretion of the court.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 371 CHAPTER 837

AN ACT PROVIDING FOR DOUBLE AND PUNITIVE DAMAGES IN ACTIONS FOR UNLAWFUL INJURY, CUTTING OR REMOVAL OF TIMBER.

The General Assembly of North Carolina do enact:

Providing double damages in actions for unlawful cutting or removal of timber.

SECTION 1. Any person not being the bona fide owner thereof or agent of the owner who shall knowingly and without the consent and permission of the bona fide owner enter upon the land of another and injure, cut or remove any valuable wood, timber, shrub or tree therefrom, shall be liable to the owner of said land for double the value of such wood, timber, shrubs or trees so injured, cut or removed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 398 CHAPTER 838

AN ACT TO AMEND THE MOTOR VEHICLE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, AS THE SAME IS CODIFIED IN SECTIONS TWENTY - THIRTY-EIGHT THROUGH TWENTY - ONE HUNDRED AND EIGHTY-THREE OF THE GENERAL STATUTES, RELATING TO THE DEFINITION OF FRANCHISE HAULER VEHICLES.

The General Assembly of North Carolina do enact:

Defining franchise hauler vehicles.

SECTION 1. That Section twenty - thirty-eight, Subsection (r) (2), of the General Statutes of North Carolina be amended by substituting a colon for the period after the word "bureau" in the last line of said subsection, and by adding thereafter the following: *provided further,* that vehicles operating as interstate common carriers under authority of the Interstate Commerce Commission shall be included herein unless they do contract hauling in North Carolina in which event they shall be licensed as contract haulers.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 440 **CHAPTER 839**

AN ACT TO AMEND CHAPTER FIFTY-ONE OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROHIBIT JUSTICES OF THE PEACE FROM PERFORMING MARRIAGE CEREMONIES WHEN ACTING AS REGISTERS OF DEEDS.

The General Assembly of North Carolina do enact:

Prohibiting justice of peace, who is register of deeds, from performing marriage ceremony.

SECTION 1. That Section fifty-one - one of the General Statutes of North Carolina is hereby amended by adding at the end of said section the following:

No justice of the peace who holds the office of register of deeds shall, while holding said office, perform any marriage ceremony.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 477 **CHAPTER 840**

AN ACT TO MAKE ARTICLE FIFTEEN, CHAPTER ONE HUNDRED AND SIXTEEN, OF THE GENERAL STATUTES OF NORTH CAROLINA PROVIDING EDUCATIONAL ADVANTAGES OF CHILDREN OF WORLD WAR VETERANS APPLICABLE TO CHILDREN OF VETERANS OF WORLD WAR TWO.

The General Assembly of North Carolina do enact:

Amending Section 116 - 148 of General Statutes.

SECTION 1. Section one hundred and sixteen - one hundred and forty-eight of the General Statutes of North Carolina is hereby amended as follows:

(1) By rewriting the title of the section to read as follows: Extension of benefits of Section one hundred and sixteen - one hundred and forty-five through one hundred and sixteen - one hundred and forty-seven.

(2) By striking out of lines one and two the words, "All of the benefits of the provisions of Sections 116-145" and by inserting in lieu thereof the following, "All of the benefits of the provisions of Sections one hundred and sixteen - one hundred and forty-five, one hundred and sixteen - one hundred and forty-six, and one hundred and sixteen - one hundred and forty-seven."

SEC. 2. This Act shall become effective upon its ratification.

Ratified this the 19th day of March, 1945.

H. B. 481 **CHAPTER 841**

AN ACT TO AUTHORIZE SETTLEMENT OF TAXES BY THE CITY OF WILMINGTON AND THE COUNTY OF NEW HANOVER ON PROPERTY OWNED BY AMERICAN LEGION POST NUMBER TEN, WILMINGTON, NORTH CAROLINA.

WHEREAS, American Legion Post Number ten, of Wilmington, North Carolina, has acquired, owns and operates that certain real property situated in the City of Wilmington at and near the Southwestern intersection of Third and Dock Streets, and generally referred to as the Bridgers property, and is a part of lots one and two, block one hundred and forty, of the official plan of the City of Wilmington; and

WHEREAS, American Legion Post Number ten is using said property solely for a public purpose and in the interest of veterans and members of the Armed Forces of the United States and providing services to veterans and members of the Armed Forces, and in no sense using said property or any part thereof for business or private gain; and

WHEREAS, certain ad valorem taxes have been levied upon and are now chargeable against said property and constitute a lien thereon, and the accumulation of such taxes may interfere with the continued and future uses of the property for the aforesaid public purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing New Hanover County and Wilmington to release all taxes that have been assessed against property of Post 10 of American Legion.

SECTION 1. That the Council of the City of Wilmington and the Commissioners of New Hanover County, separately and/or jointly, are hereby fully authorized and empowered to release and discharge all taxes which have been assessed against the property hereinbefore referred to, to cancel and discharge the same, and relieve and release the said lands and premises from the lien and obligation of said taxes.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 565 CHAPTER 842

AN ACT TO AUTHORIZE THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO REGULATE TRAFFIC SIGNALS ON STREET IMPROVEMENTS FINANCED BY FEDERAL AID FUNDS, IN COMPLIANCE WITH THE FEDERAL STATUTE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and thirty-six - eighteen of the General Statutes, relating to the powers of the State Highway and Public Works Commission, be and the same is hereby amended by adding a new subsection to the said Act reading as follows:

Authorizing State Highway & Public Works Commission to regulate traffic signals on certain streets.

(t) To prohibit the erection of any informational, regulatory, or warning signs within the right of way of any highway project built within the corporate limits of any municipality in the State where the funds for such construction are derived in whole or in part from Federal appropriations expended by the State Highway and Public Works Commission, unless such signs have first been approved by the State Highway and Public Works Commission.

Conflicting laws repealed.

SEC. 1½. That all laws or clauses of laws in conflict with this Act, to the extent of such conflict, are hereby repealed.

SEC. 2. This Act shall be in force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 582 CHAPTER 843

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS AND THE BOARD OF ELECTIONS OF STANLY COUNTY TO HOLD A SPECIAL ELECTION TO DETERMINE WHETHER BONDS SHALL BE ISSUED FOR THE ERECTION OF A LIVING WAR MEMORIAL.

The General Assembly of North Carolina do enact:

Authorizing Stanly County to hold special election to determine whether bonds shall be issued for the erection of a living memorial.

SECTION 1. That the Board of Commissioners of Stanly County is hereby authorized and empowered in its discretion to call upon the Board of Elections of Stanly County to call a special election to determine whether bonds shall be issued for the erection of a living memorial to the men and women of Stanly County who have served or may serve in World War I or World War II.

SEC. 2. That if a majority of the qualified voters of Stanly County vote in favor of issuing bonds for the erection of a me-

If referendum favorable, bonds to extent of $100,000.00 may be issued.

morial, the Commissioners of Stanly County are hereby authorized and empowered to issue bonds of Stanly County in an amount not in excess of one hundred thousand dollars ($100,000.00).

If referendum favorable, County may erect memorial to veterans of both World Wars.

SEC. 3. That if the qualified electors of Stanly County vote in favor of the bond issue heretofore referred to, the Commissioners of Stanly County are hereby authorized to erect any building or buildings or to make any addition or additions to any existing building or buildings as a memorial to the men and women of Stanly County who have served or are serving in the Armed Forces of the United States during World War I or World War II.

Form of ballot.

SEC. 4. That the electors favoring the issuance of bonds for the erection of a memorial shall vote a ballot on which shall be written or printed the words "For the issuance of bonds in an amount not in excess of one hundred thousand dollars ($100,000.00) for the erection of a War memorial," and those opposed shall vote a ballot on which shall be written or printed the words "Against the issuance of bonds in an amount not in excess of one hundred thousand dollars ($100,000.00) for the erection of a War memorial."

General election laws shall apply to proposed referendum.

SEC. 5. That the election herein authorized to be held shall be conducted under the general laws regulating the conduct of county elections.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 634 CHAPTER 844

AN ACT TO REPEAL THE CLOSED SEASON FOR HUNTING FOXES IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Repealing laws imposing closed season on fox hunting in Duplin County.

SECTION 1. That Chapter four hundred and seven of the Public-Local Laws of one thousand nine hundred and eleven is hereby repealed.

SEC. 2. That that portion of Section one hundred and thirteen - one hundred and ten of the General Statutes of North Carolina relating to Duplin County is hereby repealed.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 641 **CHAPTER 845**

AN ACT TO AMEND CHAPTER EIGHTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATIVE TO THE ELIZABETH CITY POLICE COMMISSION.

The General Assembly of North Carolina do enact:

Providing for membership of Elizabeth City Police Commission to be increased from 3 to 7.

SECTION 1. That the word "three" in the third line of Section one and the word "three" in the first line of Section four, of Chapter eighty-four, Private Laws of one thousand nine hundred and thirty-one be, and they are hereby stricken out and the word "seven" inserted in the third line of Section one and the first line of Section four, in lieu thereof, to the end that from and after July first, one thousand nine hundred and forty-five the Elizabeth City Police Commission shall consist of seven members.

SEC. 2. That Section five of Chapter eighty-four, Private Laws of one thousand nine hundred and thirty-one be, and the same is hereby repealed. This repeal, however, is not to affect the terms of the present members of the commission who have been appointed under said section.

Naming 4 additional members for said Commission.

SEC. 3. That from and after July first, one thousand nine hundred and forty-five, the Elizabeth City Police Commission shall consist of the present members and the following additional members, the latter to hold office from said date for the number of years set opposite their respective names, to-wit:

Name	Terms of Office.
(1) S. P. Smith	four years
(2) W. W. Massey	four years
(3) Z. B. Berry	two years
(4) Roland Wright	two years

Authorizing Commission to fill vacancies except those resulting from expiration of terms.

SEC. 4. That in the event of a vacancy upon said commission by reason of death, resignation or otherwise, except in case of a vacancy by reason of the expiration of the term of a commissioner, said vacancy shall be filled by the election of a qualified person by a majority vote of the remaining members of said commission. In all cases of vacancy on the commission by reason of the expiration of the term of a commissioner, such vacancy shall be filled by majority action of the governing body of the City of Elizabeth City.

Duties & powers of Commission.

SEC. 5. That in addition to its present rights, authority and duties, said commission shall have full and complete charge and control of employing and supervising all members, officers, and the Chief of the Elizabeth City Police Department, which said members, officers and chief shall be employed and serve at the will of said commission. That said commission shall prescribe

and fix all salaries and shall annually file with the Board of Aldermen of Elizabeth City, not later than May first of each year, a budget for the ensuing fiscal year, indicating in detail the necessary expenses thereof, and the said Board of Aldermen of Elizabeth City shall be empowered to levy, collect and disburse upon the order of said commission, shall make all necessary rules and regulations governing said police department and relating to the requirements of applicants for positions in said department, which said rules and regulations shall be printed and made available for public inspection.

Regulating selection of police officers in Elizabeth City.

SEC. 6. That all applicants for positions in the Police Department of Elizabeth City shall be subject to an examination by said commission, which shall be competitive and free to all persons possessing the right of suffrage, and meeting all requirements prescribed by said commission, subject to reasonable and proper limitations as to residence, age, health and moral character, and such additional requirements as said commission shall prescribe. That the employees of said department shall be obtained from the list of those who have successfully passed said examinations, except that in time of war or other national emergency said commission shall obtain its employees from any source available. That the chief of police may or may not be an employee of said department, in the discretion of the commission. That upon said examination proper credit shall be given for fire or police experience in Elizabeth City or elsewhere, and for service in the United States Army, Navy, Marine Corps, or Merchant Marines. That notice of said examination shall be properly given. That said commission shall keep a permanent record of all persons successfully passing such examination and the grade of each.

Promotions to be made by Chief with approval of Commission.

SEC. 7. That all promotions in the police department shall be made by its chief, by and with the approval of said commission. That in the event of disagreement, the ruling of the commission by a majority vote shall be final. That from and after the effective date of this Act the employment and continued service of all employees of the Elizabeth City Police Department shall be at the discretion of said commission.

Prohibiting political activities by members of Police Department.

SEC. 8. That no chief, officer or employee of the Elizabeth City Police Department shall participate or take any part in any election, primary or any political contest in any manner, other than that of exercising his or her right as a citizen to vote, and any chief, officer or employee of said department who shall violate this provision shall be dismissed from service in said department. The members of said department shall not make any donations to any political party, faction or cause under penalty of dismissal. That said commission may discharge, suspend or fire the chief or any officer or employee of said de-

partment for any reason that in its discretion seems fit and proper. That the present employees, officers and chief, of said department may or may not be required to take the foregoing examination, at the discretion of the commission. The fact that said employees and officers have not taken such an examination shall not prejudice their continued employment, which employment shall be entirely at the discretion of the commission.

Annual report to be made by Police Chief & Commission.

SEC. 9. That said chief and commission shall, at the end of the fiscal year, make an annual report of their actions and expenditures for the preceding year, which said report shall be in detail and shall be available to the public for inspection. That the members of said commission shall be paid as at present provided.

Commission to proceed immediately to elect Chairman and Secretary and reorganize Police Department.

SEC. 10. That it shall be the duty of said commission immediately after its organization as a seven-member body, to appoint a chairman and a secretary, and to inquire into and thoroughly investigate all present members of said department for the purpose of determining their efficiency, their record and general fitness for their positions, and, in the event any member of said department shall be found to be disqualified and unfitted for such service in the opinion of the commission, such person, after being accorded a hearing by the commission may be removed.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws, in conflict with the provisions of this Act are hereby repealed to the extent of said conflict.

SEC. 12. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 645 **CHAPTER 846**

AN ACT TO AMEND SECTION ONE HUNDRED AND SIX - TWO HUNDRED AND FIFTY-THREE OF ARTICLE TWENTY-SIX, CHAPTER ONE HUNDRED AND SIX, OF THE GENERAL STATUTES RELATING TO TRADE OR BRAND NAMES OF FROZEN DESSERTS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one hundred and six - two hundred and fifty-three of Article twenty-six, Chapter one hundred and six of the General Statutes by adding at the end of said section the following sentence:

Regulating trade or brand names of frozen desserts.

It shall be unlawful for any person, firm or corporation to use the words "cream," "milk," or "ice cream," or either of them, or any similar sounding word or terms, as a part of or in con-

nection with any product, trade name or brand of any frozen dessert manufactured, sold or offered for sale and not in fact made from dairy products under and in accordance with regulations, definitions or standards approved or promulgated by the Board of Agriculture.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 647 CHAPTER 847

AN ACT TO REWRITE SECTION ONE HUNDRED AND THIRTY-FOUR - THIRTY-SIX OF THE GENERAL STATUTES OF NORTH CAROLINA TO CHANGE THE NAME OF THE INDUSTRIAL FARM COLONY FOR WOMEN.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and thirty-four - thirty-six of the General Statutes of North Carolina is hereby rewritten so that the same shall hereafter read as follows:

Changing name Industrial Farm Colony for Women to Dobb's Farms.

SEC. 134-36. Name and establishment. A State institution for women to be known as Dobb's Farms, is hereby established.

Appropriations to go to Dobb's Farms.

SEC. 2. Any appropriation of funds from any source whatsoever heretofore made or that hereafter may be made to the Industrial Farm Colony for Women is hereby transferred to, shall inure to the benefit of, and shall be disbursed and paid according to law to Dobb's Farms.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 670 **CHAPTER 848**

AN ACT TO PROVIDE FOR THE HOLDING OF AN ELECTION IN HOGBACK TOWNSHIP IN TRANSYLVANIA COUNTY TO DETERMINE WHETHER OR NOT HOGS SHALL BE ALLOWED TO RUN AT LARGE IN SAID TOWNSHIP.

The General Assembly of North Carolina do enact:

Providing for referendum in Hogback Township in Transylvania County as to whether hogs might run at large.

SECTION 1. Upon the written application of one fifth of the qualified voters in Hogback Township in Transylvania County, made to the county board of commissioners of said county, it shall be the duty of the commissioners to submit the question of "For hogs running at large" or "Against hogs running at large" to the qualified voters of Hogback Township; and if at said township election the majority of the votes is "Against hogs running at large," then any person, firm or corporation who shall allow his or its hogs to run at large within the limits of said Hogback Township shall be guilty of a misdemeanor, and fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days.

If referendum favorable, violation to constitute misdemeanor.

Provisions of Fences & Stock Law to apply to proposed election.

SEC. 2. That said election provided for in Section one of this Act shall be held and conducted according to the provisions of Article three of Chapter sixty-eight of the General Statutes of North Carolina same being entitled "Fences and Stock Law."

If referendum favorable, provisions of Chapter 68 of General Statutes shall apply.

SEC. 3. That if the result of said election is to the effect that hogs shall not be allowed to run at large in Hogback Township then the provisions of Chapter sixty-eight of the General Statutes as to the impounding of stock running at large the same being Section sixty-eight - twenty-four of the General Statutes through Section sixty-eight - twenty-nine shall be applicable to hogs running at large in said township.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 698 **CHAPTER 849**

AN ACT TO AMEND CHAPTER SEVENTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE MANNER OF THE ELECTION OF COUNTY COMMISSIONERS IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to election of County Commissioners in Tyrrell County.

SECTION 1. Section one of Chapter seventy-three of the Public-Local Laws of one thousand nine hundred and forty-one is hereby repealed and there is substituted in lieu thereof, the following:

Regulating election of Commissioners in Tyrrell County.

At the general election to be held in the year one thousand nine hundred and forty-six, there shall be elected five persons to serve as members of the Board of County Commissioners of Tyrrell County. The two persons receiving the highest vote in said election shall be elected for a term of office of four years, expiring on the first Monday in December, one thousand nine hundred and fifty, and quadrennially thereafter there shall be elected two commissioners who shall serve for four years. The other three persons shall be elected for a term of office of two years, expiring on the first Monday in December, one thousand nine hundred and forty-eight, and quadrennially thereafter there shall be elected three commissioners who shall serve for a term of four years. One of said commissioners shall be a resident of Columbia Township, and one shall be from Gumneck Township, and one shall be from Scuppernong Township, and one from Alligator Township. The other commissioner shall be elected at large irrespective of his residence as to township. The members of the board of county commissioners shall be elected by the qualified voters of the entire county from the candidates nominated as provided in Section two of this Act.

SEC. 2. Section two of Chapter seventy-three of the Public-Local Laws of one thousand nine hundred and forty-one is hereby repealed and there is substituted in lieu thereof, the following:

Regulating nominations for Commissioners.

Candidates for election to the Board of County Commissioners of Tyrrell County shall be nominated in primary elections as provided by law. Every political party for which a primary is held in the county, shall nominate five candidates, one of whom shall be a resident of Columbia Township, one of Gumneck Township, one of Scuppernong Township and one of Alligator Township. The other candidate shall be elected at large irrespective of his residence as to township. The candidates shall be nominated by the qualified voters of the entire county. The candidate at large receiving a majority of the votes shall be declared the nominee at large and the candidates in Columbia, Gumneck, Scuppernong, and Alligator Townships respectively

receiving a majority of the votes cast for the candidates from that respective township shall be declared the nominees of their party from such township and if no candidate at large receives a majority of the votes and if no candidate from any township receives a majority of the votes cast for the candidate from that township, the nominee at large and the nominee from such township shall be selected in a second primary subject to the Statewide laws relating to second primaries.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 707 **CHAPTER 850**

AN ACT TO REIMBURSE P. D. MIDGETT OF ENGLEHARD, HYDE COUNTY, FOR DAMAGES SUFFERED TO HIS AUTOMOBILE THROUGH AN ACCIDENT INVOLVING A SCHOOL BUS IN OCTOBER, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR.

WHEREAS, it is contended that on or about the seventeenth of October, one thousand nine hundred and forty-four, a school bus belonging to the State Board of Education and operated by its regularly employed driver was backed from beneath a filling station on Highway Number two hundred and sixty-four in Engelhard into the automobile belonging to P. D. Midgett; and

WHEREAS, it is contended that as a result of the accident P. D. Midgett suffered damages to his automobile through the negligent operation of the bus and through no fault of his own; and

WHEREAS, he has no remedy at law to recover his loss, and it is just and proper that he be reimbursed for the damages sustained by him: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of P. D. Midgett and upon his producing satisfactory proof that the accident occurred through the negligent operation of the school bus and that there was no contributory negligence on his part, the State Board of Education is authorized to pay P. D. Midgett such sum, not exceeding sixty dollars ($60.00), as will reimburse him for the actual damage found to be sustained to his automobile. Payment of damages to P. D. Midgett.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 708 CHAPTER 851

AN ACT TO AMEND SECTION ONE HUNDRED AND FORTY-THREE - ONE HUNDRED AND TWENTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA WITH RESPECT TO THE LIABILITY OF SEPARATE CONTRACTORS ON CONSTRUCTION WORK FOR THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and forty-three - one hundred and twenty-eight of the General Statutes of North Carolina be amended by adding at the end of said section the following:

Relating to liability of separate contractors on construction work for the State.

Each separate cantractor shall be directly liable to the State of North Carolina and to the other separate contractors for the full performance of all duties and obligations due respectively under the terms of the separate contracts and in accordance with the plans and specifications, which shall specifically set forth the duties and obligations of each separate contractor. For the purpose of this Act, the wording, "separate contractor" is hereby deemed and held to mean any person, firm or corporation who shall enter into a contract with the State for the erection, construction or alteration of any building or buildings.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 709 **CHAPTER 852**

AN ACT TO AMEND SECTION ONE HUNDRED AND SIXTY - TWO HUNDRED AND EIGHTY OF THE GENERAL STATUTES OF NORTH CAROLINA WITH RESPECT TO THE LIABILITY OF SEPARATE CONTRACTORS ON CONSTRUCTION WORK FOR ANY COUNTY OR CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and sixty - two hundred and eighty of the General Statutes of North Carolina be amended by adding at the end of said section the following:

Relating to liability of separate contractors on construction work for any city or county.

Each separate contractor shall be directly liable to the county or city and to the other separate contractors for the full performance of all duties and obligations due respectively under the terms of the separate contracts and in accordance with the plans and specifications, which shall specifically set forth the duties and obligations of each separate contractor. For the purpose of this Act, the wording, "separate contractor" is hereby deemed and held to mean any person, firm or corporation who shall enter into a contract with any county or city for the erection, construction or alteration of any building or buildings.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 714 **CHAPTER 853**

AN ACT TO EMPOWER THE RURAL ELECTRIFICATION AUTHORITY TO ASSIST RURAL COMMUNITIES IN SECURING TELEPHONE SERVICE FROM TELEPHONE COMPANIES SERVING THE AREA AND AUTHORIZING THE CREATION OF TELEPHONE MEMBERSHIP CORPORATIONS FOR COMMUNITIES UNABLE TO SECURE SUCH SERVICE, MAKING CHAPTER ONE HUNDRED AND SEVENTEEN OF THE GENERAL STATUTES APPLICABLE THERETO.

The General Assembly of North Carolina do enact:

Relating to assistance from Rural Electrification Authority to rural communities in procuring adequate telephone service.

SECTION 1. Any number of persons residing in any rural community who are not provided with telephone service or are inadequately provided with same, may make application to the Rural Electrification Authority, upon such form as may be provided by the Rural Electrification Authority for assistance in securing

Investigations to be made.

telephone service, showing the circumstances of such community or communities with regard to telephone service and the need therefor. The Rural Electrification Authority shall make an investigation of the situation with respect to telephone service in such rural community or communities and if, upon investigation, it appears that such community or communities are not served with needed telephones or are inadequately served, the facts with reference therto shall be collected by the Rural Electrification Authority and the Rural Electrification Authority shall promptly bring these facts to the attention of any telephone company serving the area, and shall make reasonable efforts to get such telephone company to provide the needed telephone service in such community or communities.

If assistance needed, telephone membership corporation to be organized and relief to be provided.

SEC. 2. In the event it is ascertained by the Rural Electrification Authority that the community or communities referred to in the foregoing section are in need of telephone service and that there is a sufficient number of persons to be served to justify such services, and the telephone company serving in the area in which community or communities are located is unwilling to provide such service, a telephone membership corporation may be organized by such community or communities in the same manner that electric membership corporations may be formed under Article two of Chapter one hundred and seventeen of the General Statutes of North Carolina, and all of the provisions of said article shall be applicable to the formation of telephone membership corporations and such corporations shall have all the authority, powers and duties of such a corporation when formed under the provisions of said article; except that the provisions of Sections one hundred and seventeen - eight and one hundred and seventeen - nine of the General Statutes shall not be applicable to the organization of a telephone membership corporation, and except that such corporation so formed shall have no authority to engage in any business except the telephone business necessary to serving the community or communities prescribed in the application: *Provided,* that the references in said article to "power lines" or "energy" as to such telephone membership corporations shall be construed to mean telephone lines and telephone service. *Provided further,* that nothing herein shall be construed to authorize any telephone membership corporation organized hereunder to duplicate any line or lines, systems or other means by which adequate telephone service is being furnished; or to build or construct a telephone line, or telephone lines, or telephone systems, or otherwise to provide facilities or means of furnishing telephone service to any person, community, town or city then being adequately served by a telephone company, corporation or system; or to provide telephone service in an unserved area while any telephone company, corporation or system is acting in good faith and with reasonable diligence

in arranging to provide adequate telephone service to such person, community, town or city.

Granting to North Carolina Rural Electrification Authority power to prosecute requested investigations hereunder.

SEC. 3. In investigating the application filed with the Rural Electrification Authority under the provisions of Section two of this Act, the Rural Electrification Authority shall have the authority to employ such personnel as shall be necessary to conduct surveys; to contact the telephone companies serving the general area for the purpose of arranging for extension of telephone service by such companies to such community or communities; to make estimates of the cost of the extension of telephone service to such community or communities to call upon the Utilities Commission of the State to fix such rates as will be applicable to such service; to secure for such community or communities any assistance which may be available from the Federal government by gift or loan or in any other manner; to investigate all applications for the creation of telephone membership corporations and determine and pass upon the question of granting authority to form such corporation; to provide forms for making such applications, and to do all things necessary to a proper determination of the question of the establishment of such telephone membership corporations in keeping with the provisions of this Act; to act as agent for any such telephone membership corporation in securing loans or grants from any agency of the United States Government; to prescribe rules and regulations and the necessary blanks for such membership corporation in making applications for grants or loans from any agency of the United States Government; to do all other acts and things which may be necessary to aid the rural communities in North Carolina in securing telephone service.

Loans from Federal Agency to be obtained through North Carolina Rural Electrification Authority.

SEC. 4. Whenever any corporation organized under the provisions of this Act desires to secure a grant or loan from any agency of the United States Government now in existence or hereafter authorized, it shall apply through the North Carolina Rural Electrification Authority and not direct to the United States agency, and the said North Carolina Rural Electrification Authority alone shall have the authority to make application for grants or loans to any such corporation. Nothing in this Act shall be deemed to authorize any county, city or town to engage in the telephone business.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 716 CHAPTER 854

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE SO AS TO REGULATE ELECTIONS IN THE TOWN OF GOLDSTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Amending law to regulate elections in Goldston.

SECTION 1. That Chapter four hundred and four of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby amended by striking out Section two thereof in its entirety and substituting therefor the following:

To be regulated by Article three of Chapter 160 of General Statutes.

SEC. 2. All elections, general and special, held in the Town of Goldston shall be called, conducted and regulated in accordance with the provisions of Article three of Chapter one hundred and sixty of the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 718 CHAPTER 855

AN ACT TO FIX THE COMPENSATION OF THE SHERIFF OF MITCHELL COUNTY, AND TO AUTHORIZE HIS FIRST DEPUTY TO ISSUE CERTAIN CRIMINAL PROCESSES.

The General Assembly of North Carolina do enact:

Fixing compensation of Sheriff of Mitchell County.

SECTION 1. The Board of County Commissioners of Mitchell County is hereby authorized in its discretion to pay to the Sheriff of Mitchell County out of the general fund a salary of three thousand dollars per year, payable in equal monthly installments beginning March first, one thousand nine hundred forty-five, and the sum of one hundred fifty dollars ($150.00) per year as compensation for his attendance upon the Superior Court of Mitchell County. The salary allowance above provided shall be in addition to the fees allowed such sheriff by virtue of Chapter five hundred forty-one of the Public-Local Laws of one thousand nine hundred and thirty-nine.

SEC. 2. The Board of County Commissioners of Mitchell County is authorized in its discretion to provide and maintain telephones for the use of sheriff's office in the county court house

and in the county jail provided that expenditures for such maintenance shall not exceed twenty dollars ($20.00) per month and the use of such telephone shall be restricted to official business.

Authorizing Mitchell County to provide telephone service in Sheriff's office & in jail.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 726 **CHAPTER 856**

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO COMPENSATE H. F. LATTA, OF ORANGE COUNTY, NORTH CAROLINA, FOR DAMAGE TO HIS AUTOMOBILE.

WHEREAS, on the twenty-fifth day of October, one thousand nine h undred and forty-four, on Tryon Street in the Town of Hillsboro, an automobile belonging to H. F. Latta of Hillsboro, Orange County, North Carolina, and a public school bus owned and operated by the State Board of Education were in collision; and

WHEREAS, H. F. Latta contends that as a result of the carelessness and negligence of said school bus driver, the automobile of H. F. Latta was damaged to the extent of one hundred and thirty-seven dollars and eighty-five cents ($135.85); and

WHEREAS, the said H. F. Latta contends that said damage was the result of the negligent operation of the school bus, by said driver: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That upon satisfactory proof being presented to the State Board of Education that the damage complained of was the result of the negligent operation of said school bus by its duly employed driver, and that the driver of the automobile of H. F. Latta was not guilty of contributory negligence in connection with said collision and resultant damage, then, in such event, the State Board of Education is hereby authorized to pay such amount to H. F. Latta not in excess of one hundred and thirty-seven dollars and eighty-five cents ($137.85) as said board may have found to cover the actual damage suffered by H. F. Latta by reason of such collision.

Payment of damages to H. F. Latta.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 729 CHAPTER 857

AN ACT TO AMEND CHAPTER ONE OF THE GENERAL STATUTES OF NORTH CAROLINA TO REQUIRE NOTICE OF THE PENDENCY OF ACTIONS AFFECTING THE TITLE TO REAL PROPERTY IN THE FEDERAL COURTS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one of the General Statutes of North Carolina is hereby amended by adding thereto a new section to follow immediately Section one - one hundred and twenty, to be a part of Article eleven, to be numbered Section one - one hundred and twenty point one and to read as follows:

Requiring notice of pendency in Federal Courts of actions affecting title to real property.

SEC. 1-120.1. Article applicable to suits in Federal Court. The provisions of this article shall apply to suits affecting the title to real property in the Federal Courts.

Does not apply to litigation pending on September 30, 1945.

SEC. 2. That this Act shall not apply to litigation pending on September thirtieth, one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective October 1, 1945.

SEC. 4. That this Act shall be in full force and effect from and after October first, one thousand nine hundred and forty-five.

Ratified this the 19th day of March, 1945.

H. B. 735 CHAPTER 858

AN ACT TO AMEND CHAPTER TWENTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE FIREMEN'S PENSION FUND OF WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Amending law relating to Firemen's Pension Fund of Wilmington.

SECTION 1. That Chapter twenty-six of the Private Laws of one thousand nine hundred and thirty-seven be amended by striking out in Section seven, Subsection two in line fifteen after the word "increase" and before the word "of" in line sixteen the words and figures "Five ($5.00) dollars for each additional five years" and insert in lieu thereof the words and figures "One ($1.00) dollar for each additional one year."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 740 **CHAPTER 859**

AN ACT TO AMEND SECTION FORTY-FIVE - ONE OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE FORM OF CHATTEL MORTGAGES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section forty-five - one of the General Statutes of North Carolina is hereby amended by adding at the end of said section the following:

b - Any person indebted to another in a sum secured by a conditional sales agreement or retention of title contract may execute an instrument in form substantially as follows: **Form for chattel lien.**

No..... $.....

North Carolina.....19.....

I/we hereby acknowledge that I/we have this day signed a note payable to.....in the sum of .....DOLLARS, payable in .....monthly installments of $.....each, and a final installment of $....., beginning on the.....day of ....., 19....., and

To secure payment of this note, I/we do hereby assign and transfer to the company the property described as follows, and warrant the same to be free and clear of all liens.

New or Used	Year Model	Make or Trade Name	Type or Body	Model	Motor No.	Mfg. Serial No.

But on this special trust, that if I/we fail to pay this note as and when due, then the company may, by proper legal action, take possession of said property wherever it may be found and may sell said property at public auction, for cash, after having given twenty days' notice at three public places, and apply the proceeds of sale to the payment of this note, and pay the surplus to the undersigned. Given under my/our hand and seal.
WITNESS:

....(SEAL)

.....(SEAL)

SEC. 2. That the clerk of the superior court shall receive for probating said conditional sales agreement or retention of title contract a fee of ten cents (10c), and the register of deeds shall receive a registration fee for forty cents (40c). **Fixing probate & registration fees.**

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Applies only to New Hanover County.

SEC. 4. That this Act shall apply to New Hanover County only and shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 741 CHAPTER 860

AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA, SECTION FORTY-SEVEN - SIXTY-FOUR RELATING TO PROBATES BEFORE OFFICERS, STOCKHOLDERS OR DIRECTORS OF CORPORATIONS PRIOR TO JANUARY FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

The General Assembly of North Carolina do enact:

Validating acknowledgments before officers or stockholders of corporation prior to January 1, 1945.

SECTION 1. That the General Statutes of North Carolina, Section forty-seven - sixty-four be and the same is hereby amended by striking out the words "forty-three" in line six of said section and inserting in lieu thereof the words "forty-five."

Does not apply to pending litigation.

SEC. 2. That this Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 742 CHAPTER 861

AN ACT TO PROVIDE FOR THE ELECTION OF A RECORDER AND PROSECUTING ATTORNEY IN THE TOWN OF MOUNT AIRY, IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to selection of judge and prosecuting attorney of Recorder's Court in Mount Airy.

SECTION 1. That Section one of Chapter sixty-one of the Session Laws of one thousand nine hundred and forty-three be, and the same hereby is, amended by striking out the words "at which time the Board of Commissioners of Surry County and the Board of Commissioners of the Town of Mount Airy, meeting in joint session," and inserting a period after the words "one thousand nine hundred and forty-six," and substituting for the part stricken out the following:

The recorder and prosecuting attorney of said court shall be nominated and elected in one thousand nine hundred and forty-six, and each four years thereafter, for terms of four years each, such nominations and elections to be under and in accordance with the general election laws of the State, in which all the electors residing in the territory served by said court shall be entitled to register and vote. If any recorder or prosecuting attorney shall die, resign or be removed from office, his successor shall be appointed by the Board of Commissioners for Surry County and the Commissioners for the Town of Mount Airy, in joint session, to hold for the unexpired term.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 746 CHAPTER 862

AN ACT TO AMEND CHAPTER THIRTY-THREE OF THE PRIVATE LAWS OF THE EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR RELATING TO THE NAME OF THE RANDOLPH AND CUMBERLAND RAILWAY COMPANY, AND TO THE ISSUANCE OF BONDS BY THE TOWN OF CARTHAGE.

The General Assembly of North Carolina do enact:

Changing in statute names Randolph and Cumberland Railway Company to Moore Central Railway Company.

SECTION 1. Amend Section one of Chapter thirty-three of the Private Laws of the Extra Session of one thousand nine hundred and twenty-four by striking out the words "Randolph and Cumberland Railway Company" as same appears in lines three and four of said section and by inserting in lieu thereof the following: "Moore Central Railway Company."

Amending Section 7 of Chapter 33 of Private Laws of 1924.

SEC. 2. Amend Section seven of Chapter thirty-three of the Private Laws of the Extra Session of one thousand nine hundred and twenty-four by striking out the phrase "shall, within sixty days from the date of the ratification of this Act," as same appears in lines three and four of said Section seven and by inserting in lieu thereof the following: "may, within two years from the first day of February, one thousand nine hundred and forty-five,".

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 750 **CHAPTER 863**

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-FOUR OF THE GENERAL STATUTES BY INSERTING TWO NEW SECTIONS THEREIN TO BE NUMBERED SECTIONS ONE HUNDRED AND SIXTY-FOUR - TEN AND ONE HUNDRED AND SIXTY-FOUR - ELEVEN MAKING PROVISIONS FOR SUPPLEMENTS TO THE GENERAL STATUTES, AUTHORIZING THE RENUMBERING AND REARRANGEMENT OF LAWS ENACTED BY THE GENERAL ASSEMBLY CONTAINED THEREIN, AUTHORIZING THE MAKING OF CERTAIN CORRECTIONS, AND FIXING THE EVIDENTIARY STATUS OF THE SUPPLEMENTS.

The General Assembly of North Carolina do enact:

Amending Chapter 164 by adding 2 new sections.

SECTION 1. Chapter one hundred and sixty-four of the General Statutes is hereby amended by inserting two new sections therein to be numbered Section one hundred and sixty-four - ten and Section one hundred and sixty-four - eleven as follows:

Relating to supplements to General Statutes.

SEC. 164-10. Supplements to the General Statutes; authority to renumber and rearrange laws, and to correct certain errors. The Division of Legislative Drafting and Codification of Statutes of the Department of Justice, under the direction and supervision of the Attorney General, shall have the following duties and powers with regard to the supplements to the General Statutes:

Directing publication of supplement to General Statutes, after adjournment of General Assembly.

(a) Within six months after the adjournment of each General Assembly, or as soon thereafter as possible, the division shall cause to be published under its supervision, cumulative pocket supplements to the four volumes of the General Statutes, which shall contain an accurate transcription of all laws of a general and permanent nature enacted by the General Assembly, the material contained in the next preceding pocket and interim supplements, complete and accurate annotations to the statutes appendix and other material accumulated since the publication of the next preceding pocket and interim supplements, and a cumulative index of said material.

Requiring interim supplements semi-annually.

(b) Periodically, every six months after the publication and issuance of a cumulative pocket supplement following a Session of the General Assembly, or as soon thereafter as possible, except when the publication of the cumulative pocket supplement makes it unnecessary, the division shall cause to be published an interim supplement containing all pertinent annotations and other material found by the division to be necessary and proper, accumulating since the publication of the said cumulative pocket supplement or the last interim supplement.

(c) In the preparation of the general and permanent laws enacted by the General Assembly for inclusion in the cumulative pocket supplements, the division is hereby authorized to renumber and rearrange chapters, subchapters, articles, sections and other subdivisions, change the titles thereto, and to make such other changes and corrections that do not change the law, as may be found by the division necessary for an accurate, clear and orderly codification of such general and permanent laws.

Authorizing certain "editing" privileges.

SEC. 164-11. Supplements prima facie statement of laws. (a) The supplements to the General Statutes of North Carolina, when printed under the supervision of the Division of Legislative Drafting and Codification of Statutes of the Department of Justice, shall establish prima facie the general and permanent laws of North Carolina contained in said supplements.

Foregoing Supplements constitute prima facie evidence of the law.

(b) The cumulative pocket supplement may be cited as "G. S., Supp. 19....." and the interim supplement may be cited as "..... G. S. In. Supp. 19....," the blank in front of "G. S." to be filled in with the number of the interim supplement for that year.

Method of citation.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 756 **CHAPTER 864**

AN ACT TO CHANGE THE DATE OF THE APPOINTMENT OF THE HARNETT COUNTY TAX COLLECTOR FROM THE FIRST DAY OF OCTOBER TO THE FIRST DAY OF JULY OF EACH YEAR.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter forty-two of the Public-Local Laws of one thousand nine hundred and twenty-four relating to the date of the appointment of the tax collector of Harnett County be and the same is hereby amended by striking out in line four of said section the words "October one thousand nine hundred and twenty-four" and inserting in lieu thereof the words "July one thousand nine hundred and forty-five."

Changing date for appointment of Tax Collector of Harnett County from October 1 to July 1, each year.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 760 **CHAPTER 865**

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND TWENTY-EIGHT OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO THE APPOINTMENT OF TRUSTEES FOR THE ANDREWS CITY ADMINISTRATIVE UNIT IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to appointment of Trustees for Andrews city schools.

SECTION 1. Amend Section two of Chapter five hundred twenty-eight of the Session Laws of one thousand nine hundred and forty-three by striking out the phrase "one thousand nine hundred and forty-three," as same appears in line five of said section and by inserting in lieu thereof, the phrase "one thousand nine hundred and forty-five."

Further amend Section two of Chapter five hundred twenty-eight of the Session Laws of one thousand nine hundred and forty-three by striking out the phrase "one thousand nine hundred and forty-three" as same appears in line seven of said section and by inserting in lieu thereof, the phrase "one thousand nine hundred and forty-five."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 764 **CHAPTER 866**

AN ACT TO AMEND GENERAL STATUTES FOURTEEN - TWO HUNDRED AND FIFTY WITH REFERANCE TO THE METHOD OF MARKING PUBLICLY OWNED VEHICLES.

The General Assembly of North Carolina do enact:

Amending law relating to method of marking publicly owned vehicles.

SECTION 1. That Section fourteen - two hundred and fifty of the General Statutes entitled "Publicly owned vehicles to be marked," be and the same is hereby amended by adding at the end thereof the following:

Provided, further, that in lieu of the above method of marking vehicles owned by any agency or department of the State government, it shall be deemed a compliance with the law if such vehicles have painted or affixed on the side thereof a circle not less than eight inches in diameter showing a replica of the Seal

of the State and the designation of the department or agency to which the vehicle belongs.

SEC. 2. That this Act shall be in force from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 767 **CHAPTER 867**

AN ACT TO AUTHORIZE THE EMPLOYMENT OF CLERICAL ASSISTANTS FOR THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners for Mitchell County is hereby authorized to employ an additional clerical assistant for the Clerk of the Superior Court of Mitchell County, and an additional clerical assistant for the Register of Deeds of Mitchell County, and to pay to each of such assistants a monthly salary not to exceed seventy-five dollars ($75.00).

Authorizing employment of clerical assistants for Clerk of Superior Court and Register of Deeds of Mitchell County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 768 **CHAPTER 868**

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWELVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO FEES OF OFFICERS OF THE TOWN OF TAYLORSVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter three hundred twelve of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby rewritten to read as follows:

SEC. 2. That Section twelve of Chapter eighty-six of the Private Laws of one thousand eight hundred eighty-seven is hereby amended by striking out the first two sentences of said paragraph and inserting in lieu thereof the following:

Providing for election of Mayor and fixing compensation of Mayor and Commissioners of Taylorsville.

SEC. 12. The mayor shall be elected by the qualified voters of the Town of Taylorsville for a term of two years and until his successor shall be elected and qualified. The town commissioners may, in their discretion, allow said mayor an annual salary not exceeding three hundred dollars ($300.00), to be paid out of the town treasury. The town commissioners may receive, in the discretion of the said board, four dollars ($4.00) for each regular meeting attended and two dollars ($2.00) for each special meeting attended. The allowance to each commissioner, however, shall not exceed one hundred dollars ($100.00) per year.

Fixing arrest fee and jail fee in Taylorsville.

SEC. 2. That the arrest fee in the Town of Taylorsville, Alexander County, shall be four dollars ($4.00), and the jail fee shall be two dollars and forty cents ($2.40).

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 769 CHAPTER 869

AN ACT TO AMEND GENERAL STATUTES SECTION ONE - FORTY-TWO RELATING TO ADVERSE POSSESSION.

The General Assembly of North Carolina do enact:

SECTION 1. Amend General Statutes Section one - forty-two by adding at the end thereof the following:

Amending law relating to adverse possession.

In all controversies and litigations wherein it shall be made to appear from the public records that there has been at some previous time a separation or severance between the surface and the subsurface rights, title or properties of an area, no holder or claimant of the subsurface title or rights therein shall be entitled to evidence or prove any use of the surface, by himself or by his predecessors in title or of lessees or agents, as adverse possession against the holder of said surface rights or title; and likewise no holder or claimant of the surface rights shall be entitled to evidence or prove any use of the subsurface rights, by himself, or by his predecessors in title or of lessees or agents, as adverse possession against the holder of said subsurface rights, unless, in either case, at the time of beginning such allegedly adverse use and in each year of the same, said party or his predecessor in title so using shall have placed or caused to be placed upon the records of the register of deeds of the county wherein such property lies and in a book therein kept or provided for

such purposes, a brief notice of intended use giving (a) the date of beginning or recommencing of the operation or use, (b) a brief description of the property involved but sufficiently adequate to make said property readily locatable therefrom, (c) the name and, if known, the address of the claimant of the right under which the operation or use is to be carried on or made and (d) the deed or other instrument, if any, under which the right to conduct such operation or to make such use is claimed or to which it is to be attached.

Not to affect pending litigation.

SEC. 2. Nothing in this Act shall be construed to affect any pending litigation.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 773 **CHAPTER 870**

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY TO APPOINT A TREASURER FOR SAID COUNTY AND TO FIX HIS COMPENSATION.

The General Assembly of North Carolina do enact:

Authorizing Washington County to terminate arrangements whereby local bank serves as financial agent of County.

SECTION 1. The Board of County Commissioners of Washington County is hereby authorized and empowered, in its discretion, to abolish the financial agent for the county, and the duties now being performed as financial agent by the Plymouth Branch of the Branch Banking and Trust Company, or to abolish the arrangements whereby any bank or trust company acts as financial agent in lieu of treasurer for Washington County.

Authorizing Washington County to appoint a County Treasurer and fixing his salary at $50.00 per month.

SEC. 2. When the financial agent, or the duties of financial agent, as performed by the Plymouth Branch of the Branch Banking and Trust Company, are so abolished the Board of County Commissioners of Washington County is authorized, in lieu of said financial agent, or bank, or Plymouth Branch of the Branch Banking and Trust Company, to appoint a county treasurer who shall serve and perform the duties of County Treasurer of Washington County until the next succeeding general election and until a successor is duly elected and qualified. The salary of said county treasurer so appointed shall be fixed by the board of commissioners in the sum of fifty dollars ($50.00) per month.

Providing for election of County Treasurer at general election in 1946.

SEC. 3. That at the next general election to be held for the election of county officials, and following the appointment of the county treasurer as set forth in Section two, there shall be

elected a county treasurer for Washington County as provided by Chapter one hundred and fifty-five of the General Statutes of North Carolina, and said county treasurer shall hold his office and exercise the powers and duties set forth in Chaper one hundred and fifty-five of the General Statutes of North Carolina, except that the compensation of the said Treasurer of Washington County shall be the sum of fifty dollars ($50.00) per month.

Inconsistent laws repealed.

SEC. 4. That any provisions of law contained in Chapter two hundred and seventy-eight of the Session Laws of one thousand nine hundred and forty-three inconsistent with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 6. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this 19th day of March, 1945.

H. B. 776 **CHAPTER 871**

AN ACT TO REPEAL HOUSE BILL NUMBER TWENTY-NINE, ENACTED AT THE SESSION OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND FORTY-FIVE AND RATIFIED MARCH THIRD, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

The General Assembly of North Carolina do enact:

Repealing Chapter 326 of 1945 Session Laws.

SECTION 1. That House Bill Number twenty-nine, the same being entitled "A Bill to be entitled an Act to amend Section forty-four - one of the General Statutes, the laborers lien law, providing for a lien for landscaping," and ratified on March third, one thousand nine hundred and forty-five, be, and the same is hereby, repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 782 **CHAPTER 872**

AN ACT TO REIMBURSE HERMAN VADEN OF WESTFIELD, NORTH CAROLINA, FOR DAMAGES TO HIS CAR RESULTING FROM A COLLISION WITH A SCHOOL BUS.

WHEREAS, on or about December twenty-second, one thousand nine hundred and forty-four, the car of Herman Vaden, of Westfield, North Carolina, was struck by a school bus; and

WHEREAS, Mr. Vaden contends that the accident occurred through the negligence or fault of the operator of the school bus; and

WHHEREAS, Mr. Vaden's car was damaged by said accident; and

WHEREAS, Mr. Vaden has no legal remedy: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Herman Vaden.

SECTION 1. That the State Board of Education is hereby authorized and empowered to investigate the claim of Herman Vaden referred to above, and upon production of satisfactory proof that the collision and damage occurred through the negligent operation of the school bus without contributory negligence on the part of the owner and operator of said motor vehicle, the State Board of Education is hereby authorized to pay to Herman Vaden such sum as will reimburse him for the damage found to be sustained as a result of said accident.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 795 **CHAPTER 873**

AN ACT TO FIX THE TERMS OF OFFICE OF THE OFFICIALS OF THE TOWN OF CLYDE, IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Fixing terms of officers of Clyde at 4 years.

SECTION 1. That the terms of office of the Mayor and the Board of Aldermen of the Town of Clyde, in Haywood County, and of the Judge of the Police Court of the said Town of Clyde, shall be four years.

Extending terms of present officers to May 1947.

SEC. 2. That the terms of office of the present Mayor and Board of Aldermen of the Town of Clyde and of the Judge of the Police Court of the Town of Clyde are hereby extended until Tuesday after the first Monday in May, one thousand nine hundred and forty-seven, or until their successors are elected and qualified.

Elections to be held on Tuesday after the first Monday in May in 1947 and quadrennially thereafter.

SEC. 3. That the Mayor and the Board of Aldermen of the Town of Clyde and the Judge of the Police Court of the Town of Clyde shall, at the regular election for said town to be held on Tuesday after the first Monday in May, one thousand nine hundred and forty-seven, and quadrennially thereafter, be elected for a term of four years, or until their successors are elected and qualified.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 796 CHAPTER 874

AN ACT TO FIX THE TERMS OF OFFICE OF THE OFFICIALS OF THE TOWN OF HAZELWOOD, IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Fixing terms of Mayor and Aldermen of Hazelwood.

SECTION 1. That the terms of office of the Mayor and Board of Aldermen of the Town of Hazelwood, in Haywood County, shall be four years.

Extending terms of present Mayor and Aldermen to May 1947.

SEC. 2. That the terms of office of the present Mayor and Board of Aldermen of the Town of Hazelwood are hereby extended to the first Tuesday in May, one thousand nine hundred and forty-seven, or until their successors are elected and qualified.

Election to be held on Tuesday after first Monday in May 1947 and quadrennially thereafter.

SEC. 3. That the Mayor and Board of Aldermen of the Town of Hazelwood shall, at the election to be held on the first Tuesday in May, one thousand nine hundred and forty-seven, and quadrennially thereafter, be elected for a term of four years, or until their successors are elected and qualified.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this 19th day of March, 1945.

H. B. 798 CHAPTER 875

AN ACT TO AMEND SECTION FIFTEEN - ONE HUNDRED AND SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE AUTHORITY OF CERTAIN OFFICIALS OF HAYWOOD COUNTY TO ACT AS AGENTS FOR ANY BONDING COMPANY OR PROFESSIONAL BONDSMEN.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section fifteen - one hundred and seven of General Statutes of North Carolina by adding at the end of said section another proviso which shall read as follows:

Authorizing certain officials of Haywood County to act as agents of bonding companies.

Provided, further, that in Haywood County any sheriff, deputy sheriff, jailer, assistant jailer, town marshall or police officer or the wife of any of the officers herein set forth shall have the power and authority to become bail as the agent or agents for any bonding company or professional bondsmen. Nothing contained herein shall be construed as authorizing any of the officials named in this proviso or the wife of any such official to personally become bail for any prisoner for money or property.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 804 CHAPTER 876

AN ACT RELATING TO INVESTMENTS AND DEPOSITS BY THE CLERK OF SUPERIOR COURT OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Authorizing certain investments by Clerk of Superior Court of Forsyth County.

SECTION 1. The Clerk of Superior Court of Forsyth County may in his discretion invest any money received by virtue of his office in any one or more of the following classes of investments, but in no others, namely:

U. S. Bonds, etc.

(a) United States Government bonds, or bonds which are fully and unconditionally guaranteed as to principal and interest by the United States.

Postal Savings Certificates.

(b) United States Government postal savings certificates.

N. C. Bonds.

(c) North Carolina State bonds.

Certain Bank deposits.

(d) Certificates of deposit or savings accounts in any bank or trust company which furnishes such protection as hereinafter provided.

Building & Loan.

(e) Certificates of paid-up stock or savings share accounts in any building and loan association organized and licensed under the laws of this State, which is approved for such investments by the Commissioner of Insurance.

Federal Savings & Loan Associations, etc.

(f) Certificates of paid-up stock or savings share accounts in any Federal savings and loan association, organized under the laws of the United States, which is approved for such investments by a duly authorized officer of the Home Loan Bank at Winston-Salem, or by a duly authorized officer of such other governmental agency as may hereafter have supervision of such associations in this State, if investments therein are insured by the United States or any agency therein, investments for each person to be within the maximum limits of such insurance.

Requirements regarding bank certificates.

SEC. 2. It shall be the duty of the Clerk of Superior Court of Forsyth County to require of any bank or trust company wherein he may deposit money received by virtue of his office a bond with corporate surety, or he may accept in l ieu of such corporate surety any of the following as collateral to said bond: treasury notes or bonds of the United States Government, North Carolina State bonds, or North Carolina county or municipal bonds when approved by the local government commission, the penalty of which bond shall be in an amount not less than a sum equal to his average daily balances: *Provided, however,* that to the extent of the amount which may be insured by the Federal Deposit Insurance Corporation or other Federal agency insuring bank deposits, such insurance shall be deemed and considered ample security, and the clerk of superior court shall not require corporate surety or collateral to such bond for that amount of the deposit insured by the deposit insurance.

Separate bank accounts not required.

SEC. 3. The clerk need not carry a separate checking account for each person, firm, or corporation for whom he holds money, but may deposit all funds received by virtue of his office in one general checking account in any bank in his name as clerk of superior court.

Certain statutes not applicable to Clerk of Superior Court of Forsyth.

SEC. 4. The provisions of Sections two - fifty-five, two - fifty-six, thirty-six - one, thirty-six - two, and thirty-six - three of the General Statutes of North Carolina shall not apply to the Clerk of Superior Court of Forsyth County.

SEC. 5. The provisions of this Act shall not be construed to place upon the Clerk of the Superior Court of Forsyth County the duty of investing any funds received by virtue of his office, but he shall be required only to make investments as otherwise required by law.

SEC. 6. The clerk shall not be liable for losses sustained by reason of any investments or deposits as herein provided, if such clerk has exercised reasonable care and good faith in complying with the provisions of this Act.

Clerk not liable if he exercises reasonable care.

SEC. 7. This Act shall apply only to Forsyth County.

Applies only to Forsyth County.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. This Act shall be in full force and effect upon its ratification.

Ratified this the 19th day of March, 1945.

H. B. 813 **CHAPTER 877**

AN ACT TO AMEND SECTION FORTY-SEVEN - ONE HUNDRED AND TEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE FEES OF THE REGISTER OF DEEDS OF ALLEGHANY COUNTY FOR RECORDING OFFICIAL DISCHARGES OF VETERANS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section forty-seven - one hundred and ten of the General Statutes of North Carolina by adding at the end of said section a proviso which shall read as follows:

Provided, that in Alleghany County the board of county commissioners of said county is hereby authorized and empowered, in its discretion, to pay from the general funds of the county to the Register of Deeds of Alleghany County a fee to be determined by said board and not to exceed twenty-five cents (25c) for registering or recording any official discharge, or official certificate of lost discharge, from the Army, Navy, Marine Corps, or any branch or division of the Armed Forces of the United States.

Authorizing Alleghany County to record discharges of veterans without charge.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 820 CHAPTER 878

AN ACT TO ADOPT OFFICIAL STATE COLORS FOR THE STATE OF NORTH CAROLINA.

WHEREAS, North Carolina is one of only a few states that has not adopted official state colors; and

WHEREAS, there is widespread sentiment among the school children of the State and its citizens generally looking to the adoption of suitable and appropriate colors as official colors for the State: Now, therefore,

The General Assembly of North Carolina do enact:

Adopting red and blue as State colors.

SECTION 1. That red and blue, of shades as adopted and appearing in the North Carolina State flag and the American flag, shall be, and hereby are, declared to be the official State colors for the State of North Carolina.

Use of State colors to be discretionary and not directoratory.

SEC. 2. That the use of such official State colors on ribbons attached to State documents with the Great Seal and/or seals of State Departments is permissive and discretionary but not directoratory.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 821 CHAPTER 879

AN ACT TO PROHIBIT THE USE OF THE WORDS "ARMY" OR "NAVY" OR EITHER OR BOTH, IN THE NAME OF A MERCANTILE ESTABLISHMENT.

The General Assembly of North Carolina do enact:

Prohibiting use of "Army" or "Navy" in name of mercantile concern.

SECTION 1. It shall be unlawful for any person, firm, or corporation, to use the words "Army" or "Navy" or either, or both, in the name or as a part of the name of any mercantile establishment in this State which is not in fact operated by the United States Government or a duly authorized agency thereof.

Violation constitutes misdemeanor.

SEC. 2. Any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for the first offense, and not less than fifty dol-

lars ($50.00) nor more than one thousand dollars ($1,000.00) for each subsequent such offense.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after June first, one thousand nine hundred and forty-five. Effective June 1, 1945.

Ratified this the 19th day of March, 1945.

H. B. 822 CHAPTER 880

AN ACT TO AMEND SECTION TWO - TWENTY-EIGHT SO AS TO INCREASE THE FEE FOR RECORDING FEDERAL CROP LIENS AND CHATTEL MORTGAGES, AND TO AMEND SECTION ONE HUNDRED AND SIXTY-ONE - TEN SO AS TO INCREASE THE FEE FOR RECORDING STANDARD FORM CHATTEL MORTGAGES IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section two - twenty-eight of the General Statutes is hereby amended by inserting the word "Cabarrus" to immediately follow the word "Brunswick" in line nineteen.

SEC. 2. The Register of Deeds of Cabarrus County shall be entitled to a fee not to exceed one dollar ($1.00) for registering a Federal crop lien or chattel mortgage described in Section two - twenty-eight of the General Statutes. Increasing recording fee for certain instruments in Cabarrus County.

SEC. 3. Section one hundred and sixty-one - ten of the General Statutes is hereby amended by changing the words "twenty cents" in line fifteen thereof to the words "fifty cents."

SEC. 4. This Act shall apply only to Cabarrus County. Applies only to Cabarrus County.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 829 CHAPTER 881

AN ACT TO MAKE CERTAIN ALLOWANCES TO THE SHERIFF OF WASHINGTON COUNTY AND HIS DEPUTY FOR TRAVELING EXPENSES AND EXPENSES INCURRED IN OPERATING AUTOMOBILES WHILE ENGAGED IN OFFICIAL DUTIES.

The General Assembly of North Carolina do enact:

Authorizing $50.00 per month for Sheriff and $25.00 for Deputy Sheriff of Washington County for automobile and travel expense.

SECTION 1. That the Sheriff of Washington County be, and he is hereby, allowed the sum of fifty dollars ($50.00) per month to be used for the purpose of traveling expenses and as compensation for expenses incurred by said sherifl in operating an automobile while engaged in his official duties. That the Deputy Sheriff of Washington County be, and he is hereby, allowed the sum of twenty-five dollars ($25.00) per month to be used for the purpose of traveling expenses and as compensation for expenses incurred while engaged in official duties.

To be paid monthly from general fund of County.

SEC. 2. The above sums or allowances shall be paid each month to the sheriff and his deputy sheriff by the Board of County Commissioners of Washington County out of the general funds of said county.

Additional contingent allowance.

SEC. 2-½. That the board of commissioners may allow to the sheriff an additional sum of fifty ($50.00) dollars per month in the event he serves as jailor for said county, but in no event shall he be allowed total compensation including expenses for all county services in an amount not to exceed thirty-six hundred ($3,600.00) dollars per annum.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective March 1, 1945.

SEC. 4. That this Act shall be in full force and effect as of March first, one thousand nine hundred and forty-five.

Ratified this the 19th day of March, 1945.

H. B. 831 CHAPTER 882

AN ACT TO ADOPT, AND DECLARE LEGAL AND VALID, THE SYSTEM OF INDEXES ESTABLISHED IN THE OFFICE OF THE REGISTER OF DEEDS OF HYDE COUNTY, AND TO RELIEVE THE REGISTER OF DEEDS FROM ANY LIABILITY BECAUSE OF ANY ERRORS THAT MAY EXIST THEREIN.

The General Assembly of North Carolina do enact:

Validating indexing system in office of Register of Deeds of Hyde County.

SECTION 1. That the system or method of indexes, including the alphabetical index of the names of the parties to all liens, grants, deeds, mortgages, bonds and any and all other instru-

ments of writting required or authorized to be registered in the office of the Register of Deeds of Hyde County, including the consolidated general index of all documents in said register's office and cross indexes to same, heretofore inaugurated, devised and established in said register's office on or about the year one thousand nine hundred and forty-one by the Works Progress Administration or other governmental agency, is hereby adopted and declared to be the proper, legal and lawful system of indexes, including consolidated general index, alphabetical indexes and cross indexes for said officer of Register of Deeds of Hyde County.

Immunity from liability.

SEC. 2. No suit or action shall be brought or maintained against the Register of Deeds of Hyde County, nor against the surety or sureties on the official bond of the said register of deeds because of any errors or deficiencies existing in the system of indexes heretofore referred to in Section one of this Act, nor shall any such suit or action be maintained against said officer and the surety or sureties on his or her official bond by reason of the failure of said system of indexes, referred to in Section one of this Act, to comply with the laws of the State of North Carolina governing the indexing, cross indexing or other manner or system of indexing of any documents whatsoever required to be recorded in the office of the Register of Deeds of Hyde County.

Does not apply to pending litigation.

SEC. 3. Nothing herein contained shall apply to pending litigation.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 832 CHAPTER 883

AN ACT TO FIX THE COMPENSATION OF MEMBERS OF THE BOARD OF COMMISSIONERS OF HARNETT COUNTY, AND TO PROVIDE THAT THEY MAY BE PAID FOR THEIR ATTENDANCE UPON MEETINGS OF THE BOARD OF EQUALIZATION AND REVIEW.

The General Assembly of North Carolina do enact:

Fixing compensation of Commissioners of Harnett County except Chairman.

SECTION 1. That the members of the Board of Commissioners of Harnett County shall be paid and receive for their services the sum of six dollars per diem and mileage at the rate of five cents per mile while in actual attendance upon their official duties: *Provided,* that nothing in this section of this Act shall

affect the compensation of the chairman of said board of commissioners as now fixed and authorized by law.

Fixing compensation of Commissioners when acting as Board of Equalization & Review.

SEC. 2. That all members of the Board of Commissioners of Harnett County shall be paid and receive as compensation for their services the sum of six dollars per diem and mileage at the rate of five cents per mile while in actual attendance upon their duties as members of the Harnett County Board of Equalization and Review.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 833 CHAPTER 884

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HARNETT COUNTY TO DETERMINE THE COMPENSATION OF AND TO COMPENSATE THE EMPLOYEES OF HARNET COUNTY AND OFFICERS OTHER THAN ELECTIVE OFFICERS.

The General Assembly of North Carolina do enact:

Authorizing Commissioners to fix compensation of certain non-elective officers.

SECTION 1. That the County Commissioners of Harnett County be and they hereby are authorized and empowered to fix the compensation of, and to compensate, the Superintendent of the Harnett County Home, the Harnett County Accountant and the Solicitor and Vice-recorder of the Harnett County Recorder's Court.

Certain other non-elective employees.

SEC. 2. The County Commissioners of Harnett County be, and they hereby are, authorized and empowered to fix the compensation of, and to compensate the deputies and employees in the offices of the Clerk of the Superior Court of Harnett County and the register of deeds of said county.

Certain other non-elective employees.

SEC. 3. Tthe County Commissioners of Harnett County are hereby authorized and empowered to fix the compensation of, and to compensate the employees in the office of the Sheriff of Harnett County who may render clerical assistance in said office; and in their discretion, should it be deemed necessary, the said commissioners by appropriate order may compensate the deputies sheriff of said county on a salary and mileage basis.

Does not affect compensation of elective officers.

SEC. 4. That nothing in this Act shall be construed as diminishing or increasing the compensation of any elective officer of Harnett County as now authorized or fixed by law.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 834 CHAPTER 885

AN ACT TO AMEND CHAPTER NINETY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE RELATING TO THE INCORPORATION OF THE THOMPSON INSTITUTE.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter ninety-five of the Private Laws of one thousand eight hundred and ninety-nine is hereby amended by rewriting Section two thereof to read as follows:

SEC. 2. That said corporation shall have a seal, may purchase or receive by gift, devise, or otherwise, real and personal property, may sue and be sued and enjoy any and all rights incident to and appropriate for conducting an institution for the education of ministers, Sunday school workers, or the education of male or females. The trustees shall have the care of all the property of Thompson Institute subject to the supervision of the Lumber River Baptist Association. Amending Charter of Thompson Institute.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 836 CHAPTER 886

AN ACT AUTHORIZING THE LEVY OF TAXES FOR CERTAIN SPECIAL PURPOSES IN POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Polk County is hereby authorized to levy anually on all taxable property in said county a special tax for the special purpose of paying the salary of the county accountant and expenses of maintaining the office of county accountant necessary for the performance of his duties as prescribed in the County Fiscal Authorizing Polk County to levy taxes for County Accountant.

Control Act, being Article ten of Chapter one hundred and fifty-three of the General Statutes of North Carolina.

For County Farm Demonstration Agent.

SEC. 2. The Board of County Commissioners of Polk County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county farm demonstration agent and the necessary expenses incident to the performances of his work as farm demonstration agent.

For poor, needy and aged.

SEC. 3. The Board of County Commissioners of Polk County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of providing for the support for the poor and needy persons and operating and maintaining an institution for the aged and infirmed.

For forest warden.

SEC. 4. The Board of County Commissioners of Polk County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying expenses of the forest warden in accordance with the provisions of law.

For Home Demonstration Agent.

SEC. 5. The Board of County Commissioners of Polk County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the home demonstration agent and the necessary expenses incident to the performance of the services of said agent.

Constitutionality.

SEC. 6. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws including any Act passed prior to adjournment of the Regular Session of the General Assembly of one thousand nine hundred and forty-five, in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 837 CHAPTER 887

AN ACT TO FIX THE SALARY OF THE ASSISTANT CLERK OF SUPERIOR COURT OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Effective as of April first, one thousand nine hundred and forty-five, the salary of the Assistant Clerk of Superior Court of Pender County shall be seven hundred and

twenty dollars ($720.00) per annum, which shall be paid in equal monthly installments out of the General Fund of Pender County.

Fixing salary of $720.00 for Assistant Clerk of the Superior Court of Pender County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 838 CHAPTER 888

AN ACT TO FIX THE SALARY OF THE DEPUTY SHERIFF OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Effective as of August first, one thousand nine hundred and forty-four, the salary of the Deputy Sheriff of Pender County shall be six hundred dollars ($600.00) per annum, and the same shall be paid in equal monthly installments out of the general fund of Pender County.

Fixing $600.00 as salary of Deputy Sheriff of Pender County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 839 CHAPTER 889

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE ELECTION OF COUNTY COMMISSIONERS OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section two of Chapter one hundred and forty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby amended by striking out the words "district from which he is nominated" in line fourteen, and inserting in lieu thereof the word "county."

Amending law relating to election of County Commissioners of Yadkin County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 841 CHAPTER 890

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO REIMBURSE L. D. CAMPBELL FOR DAMAGES TO HIS AUTOMOBILE THROUGH COLLISION WITH A SCHOOL BUS IN MECKLENBURG COUNTY ON OR ABOUT FEBRUARY FIFTH, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR.

WHEREAS, on or about February fifth, one thousand nine hundred and forty-four, a school bus being operated by an employee of the Mecklenburg County Board of Education collided with an automobile owned by L. D. Campbell; and

WHEREAS, as a result of said collision said automobile owned by the said L. D. Campbell was considerably damaged: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to L. D. Campbell.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of L. D. Campbell referred to above and upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus and that there was no contributory negligence on the part of said L. D. Campbell that the State Board of Education is authorized to pay L. D. Campbell such sum not exceeding three hundred and seventy-five dollars ($375.00) as will reimburse him for actual damage found to be thus sustained.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Ratified this the 19th day of March, 1945.

H. B. 848 CHAPTER 891

AN ACT TO REPEAL CHAPTER SEVEN HUNDRED AND TWENTY-THREE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, RELATING TO THE PROTECTION OF WILD TURKEYS IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Repealing law relating wild turkeys in Wake County.

SECTION 1. Chapter seven hundred and twenty-three of the Session Laws of one thousand nine hundred and forty-three is hereby repealed.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 851 CHAPTER 892

AN ACT TO REIMBURSE B. E. HIX OF MONTGOMERY COUNTY FOR DAMAGES TO HIS AUTOMOBILE BY COLLISION WITH A SCHOOL BUS ON JANUARY TWENTY-FOURTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

WHEREAS, on the twenty-fourth day of January, one thousand nine hundred forty-five, a collision occurred between a school bus driven by Curtis Cole and the automobile of Mr. B. E. Hix, of Montgomery County; and

WHEREAS, it is contended that said collision occurred because of the negligence of the operator of the school bus; and

WHEREAS, it appears that the said B. E. Hix has suffered damages to his automobile in the sum of two hundred seventeen and 41/100 ($217.41) dollars and has no legal remedy against the State Board of Education: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to B. E. Hix.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of B. E. Hix of Montgomery County and upon production of satisfactory proof that the collision and damage referred to above occurred through the negligent operation of the school bus by Curtis Cole and without contributory negligence on the part of B. E. Hix, the said Board of Education is authorized to pay the said B. E. Hix a sum not exceeding two hundred seventeen and 41/100 ($217.41) dollars to reimburse him for the damage to his automobile.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 853 CHAPTER 893

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF BERTIE COUNTY TO SELL OR LEASE A LOT BELONGING TO BERTIE COUNTY SITUATE IN THE TOWN OF WINDSOR.

The General Assembly of North Carolina do enact:

Authorizing Bertie County to dispose of a certain lot in Windsor.

SECTION 1. That the Board of Commissioners of Bertie County is hereby empowered to lease, give or sell a lot situate in the Town of Windsor, North Carolina, at the intersection of Dundee and Queen Streets, adjoining the lands of E. L. Gatling, the lot upon which the Bertie County Agricultural Adjustment Office is located, Dundee Street and Queen Street, for the purpose of having erected thereon a Bertie County American Legion Memorial Building.

Authorizing Bertie County to purchase a lot for erection of Memorial Building.

SEC. 2. That said Board of Commissioners of Bertie County is hereby empowered to make an appropriation out of the general fund of said county to purchase a site at some other location upon which to erect a Bertie County American Legion Memorial Building if the location described in Section one of this Act is not deemed suitable for the same or the said board of commissioners should determine not to sell, give or lease the same for said purpose.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 855 CHAPTER 894

AN ACT TO EXEMPT MITCHELL COUNTY FROM PROVISIONS OF ARTICLE NINETEEN OF CHAPTER ONE HUNDRED AND SIXTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA IN SO FAR AS THEY APPLY TO NOMINATION OF DEMOCRATIC CANDIDATES FOR THE GENERAL ASSEMBLY AND COUNTY OFFICES IN MITCHELL COUNTY AND TO PROVIDE FOR THE NOMINATION OF SUCH CANDIDATES IN CONVENTION.

The General Assembly of North Carolina do enact:

Amending law relating to nomination of Democratic candidates in Mitchell County for county officers & General Assembly.

SECTION 1. Article nineteen of Chapter one hundred and sixty-three of the General Statutes of North Carolina is hereby repealed in so far as its provisions apply to the nomination of Democratic candidates for the General Assembly of North Carolina and county offices in Mitchell County.

Providing for nomination of foregoing Democratic candidates by convention in Mitchell County.

SEC. 2. The nomination of all Democratic candidates for county offices and the General Assembly of North Carolina in Mitchell County shall be made by a general convention of Democratic voters of Mitchell County with each elector present having one vote, *provided* that such convention shall be called by the County Chairman of the Democratic Executive Committee of Mitchell County, by due notice posted at the courthouse door and by publication in some newspaper in Mitchell County.

Applies only to Michell County.

SEC. 3. That this Act shall apply only to Mitchell County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 856 CHAPTER 895

AN ACT AMENDING SECTION ONE HUNDRED AND THIRTY-SIX - ONE OF THE GENERAL STATUTES RELATING TO THE SALARY OF THE CHAIRMAN OF THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION.

The General Assembly of North Carolina do enact:

Authorizing Governor and Advisory Budget Commission to fix salary of Chairman of State Highway & Public Works Commission.

SECTION 1. Section one hundred and thirty-six - one of the General Stautes of North Carolina is hereby amended by striking out that portion of said section after the comma in line twenty-four and before the comma in line twenty-seven and inserting in lieu thereof the following:

And shall receive as his compensation such sum as may be fixed in the discretion of the Governor and Advisory Budget Commission.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 868 CHAPTER 896

AN ACT TO PROVIDE FOR THE CLOSING OF THE PUBLIC SCHOOLS OF CURRITUCK COUNTY WHEN NECESSARY FOR THE PURPOSE OF PICKING COTTON.

The General Assembly of North Carolina do enact:

Authorizing closing of public schools of Currituck County when necessary for purpose of picking cotton.

SECTION 1. Upon presentation to the Board of Education of Currituck County of a petition signed by a majority of the farmers of Currituck County engaged in raising cotton, setting forth that it is necessary to close one or more, or if necessary all, of the public schools of Currituck County for the purpose of picking cotton, and further stating the number of days which such school or schools should be closed, and upon the approval of said petition by the County Farm Agent of Currituck County it shall be the duty of the board of education to declare a school holiday and to close the public schools of Currituck County for the number of days necessary for the purpose of picking cotton.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 869 CHAPTER 897

AN ACT PROVIDING FOR THE TRANSFER OF CASES FROM THE RECORDER'S COURT OF CURRITUCK COUNTY TO THE SUPERIOR COURT WHEN JURY TRIALS ARE REQUESTED.

The General Assembly of North Carolina do enact:

SECTION 1. In all trials in the Recorder's Court of Currituck County, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall, if there has been no preliminary examination, hear evidence,

and if it shall appear to the recorder that no offense has been committed by any person or that there is no probable cause for charging the prisoner with an offense, he shall discharge the prisoner. If it shall appear that an offense has been committed and that there is probable cause to believe that the defendant is guilty, or if the defendant shall waive preliminary examination, or if the defendant has had a previous preliminary examination and probable cause has been found, it shall be the duty of the recorder, upon demand for a jury by the defendant or the prosecuting attorney representing the State, to transfer said trial to the Superior Court of Currituck County, and the defendant shall execute a new bond in such amount as named by the recorder for his appearance at the next term of the Superior Court of Currituck County.

Providing for transfer of cases from Recorder's Court to Superior Court in Currituck County when jury trials are requested.

SEC. 2. No jury tax shall be assessed in the bill of cost in the Recorder's Court of Currituck County for a jury when the case is transferred to the superior court as provided in Section one hereof. No jury tax, cost or fee shall be assessed in any bill of cost charged or collected for and on account of any criminal case, prosecution or proceeding tried or disposed of in any manner in the Recorder's Court of Currituck County.

Relating to jury tax and other costs in certain cases in Recorder's Court of Currituck County.

SEC. 3. The capias fee provided for in the present bills of cost in the Recorder's Court of Currituck County shall not be assessed in any case against any defendant unless a capias is actually issued and actually served on the defendant.

Relating to capias fee.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified the the 19th day of March, 1945.

H. B. 870 CHAPTER 898

AN ACT TO AMEND SECTION FIFTEEN - ONE HUNDRED AND SIXTY-EIGHT OF THE GENERAL STATUES OF NORTH CAROLINA RELATING TO THE AUDITING OF ACCOUNTS OF THE TREASURER OF THE COUNTY SCHOOL FUND AND THE COUNTY BOARD OF EDUCATION OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section fifteen - one hundred and sixty-eight of the General Statutes of North Carolina by adding a proviso at the end of the last paragraph of said section, which said proviso shall read as follows:

Amending law relating to certain audits in Currituck County.

Provided, that in Currituck County the county board of education of said county shall employ a certified public accountant authorized and licensed to do business in this State and who is a bona fide resident of this State, to audit the books of the treasurer of the county school fund and the accounts of the county board of education and any other books and accounts required to be audited by the provisions of this section, and said board of education shall provide for the cost of said audit or audits out of the current expense fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 871 CHAPTER 899

AN ACT TO REQUIRE THE COUNTY BOARD OF EDUCATION OF CURRITUCK COUNTY TO GIVE PUBLIC NOTICE OF THE DATE OF THE ELECTION OF THE COUNTY SUPERINTENDENT OF SCHOOLS AS REQUIRED BY SECTION ONE HUNDRED AND FIFTEEN - THREE HUNDRED AND FIFTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA.

WHEREAS, it is required and provided, among other things, in Section one hundred and fifteen - three hundred and fifty-three of the General Statutes of North Carolina in regard to the notice to be given before a county superintendent of schools is elected, as follows:

At a meeting to be held the first Monday in April, one thousand nine hundred thirty-nine, or as soon thereafter as practicable, and biennially thereafter during the month of April, the various county boards of education shall meet and elect a county superintendent of schools, subject to the approval of the State Superintendent of Public Instruction and the State Board of Education, who shall take office July first and shall serve for a period of two years, or until his successor is elected and qualified. The county board of education shall give public notice of the date of the election in a paper published or circulating in the county and shall post a notice of the same at the courthouse door at least fifteen days before the date of the election: Now, therefore,

The General Assembly of North Carolina do enact:

Requiring public notice of election of Superintendent of Schools in Currituck County.

SECTION 1. That it shall be unlawful for the County Board of Education of Currituck County to meet and elect a county superintendent of schools without first giving public notice of

the date of the election in a paper published or circulating in Currituck County and without posting a notice of the same at the courthouse door at least fifteen days before the date of the election of said county superintendent of schools and as required by Section one hundred and fifteen - three hundred and fifty-three of the General Statutes of North Carolina.

Declaring invalid election without giving required public notice.

SEC. 2. The election of any county superintendent of schools of Currituck County without first complying with the provisions of this Act and Section one hundred and fifteen - three hundred and fifty-three of the General Statutes of North Carolina shall not be valid and all of said election proceedings shall be void and of no effect, and any person named to be County Superintendent of Schools of Currituck County without a compliance with said provisions as to notice shall not be entitled to hold said office, and it shall be unlawful for any person, board or official to pay such person any salary, and it shall be unlawful for such person attempting to act as County Superintendent of Schools of Currituck County to receive any salary, for the performance of the duties of the County Superintendent of Schools of Currituck County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 872 CHAPTER 900

AN ACT TO REQUIRE THE CLERK OF THE SUPERIOR COURT OF CURRITUCK COUNTY TO DEPOSIT ALL FINES, FORFEITURES, AND OTHER MONEYS COLLECTED BY HIM THROUGH THE RECORDER'S COURT, AND BELONGING TO THE COUNTY, WITH THE TREASURER BY THE TENTH OF THE MONTH.

The General Assembly of North Carolina do enact:

Requiring Clerk in Currituck County to deposit before 10th of month funds collected through Recorder's Court during preceding month.

SECTION 1. The Clerk of the Superior Court of Currituck County is hereby required and directed to deposit with the Treasurer of Currituck County, on or before the tenth day of each month, all fines, forfeitures, and all other moneys collected through the recorder's court and due the County of Currituck for the previous month. And said clerk of the superior court shall furnish the county accountant with a duplicate receipt from the treasurer of the county for such deposits made by him.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 875 CHAPTER 901

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF VALDESE TO CALL AN ELECTION FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF SAID TOWN THE QUESTION OF WHETHER A TAX SHALL BE LEVIED TO SUPPORT THE ATHLETIC DEPARTMENT AND MUSIC DEPARTMENT AND SUPPLEMENT THE SALARIES OF THE TEACHERS OF THE VALDESE CITY SCHOOLS.

The General Assembly of North Carolina do enact:

Authorizing referendum in Valdese regarding special tax levy for certain school purposes.

SECTION 1. That the Board of Commissioners of the Town of Valdese are hereby authorized and empowered to call a special election for the purpose of submitting to the voters of said town the question of whether or not a special tax shall be levied for the support and maintenance of an athletic department and a music department, and to supplement the salaries of the teachers in the city schools of the Town of Valdese, the amount of said tax to be determined by the Board of Commissioners of the Town of Valdese.

General Statutes of State to apply to proposed special election.

SEC. 2. That said election shall be conducted in accordance with the laws of North Carolina governing special elections, as set forth in the Municipal Finance Act, at any time within a period of two years from the date of the enactment of this Act.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are herey repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 876 **CHAPTER 902**

AN ACT TO AMEND SECTION ONE OF CHAPTER THIRTY-THREE OF THE GENERAL STATUTES OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATING TO THE APPOINTMENT OF GUARDIANS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter thirty-three of the General Statutes of North Carolina be and hereby is amended by changing the period at the end thereof to a comma and by adding thereto the following:

"or unless an infant resides with an individual who is domiciled in the State of North Carolina and who is guardian of such infant's estate, in which case a guardian of the person of such infant may be appointed by the clerk of the superior court in the county is which the guardian of such infant's estate is domiciled." Amending law relating to appointment of guardians.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 877 **CHAPTER 903**

AN ACT TO PRESCRIBE THE PLACES AT WHICH WINES MAY BE SOLD FOR CONSUMPTION ON THE PREMISES, AND TO AUTHORIZE THE STATE BOARD OF ALCOHOLIC CONTROL TO ESTABLISH STANDARDS OF IDENTITY, QUALITY AND PURITY FOR WINES DESCRIBED IN SECTION EIGHTEEN - SIXTY-FOUR (b) AND IN ARTICLE FIVE, CHAPTER EIGHTEEN, OF THE GENERAL STATUTES, TO ISSUE FOR THE SALE OF WINES MEETING SAID STANDARDS, TO PRESCRIBE PROPER CONTAINERS, BRANDS AND LABELS FOR SAID WINES, AND TO ENFORCE THE PROVISIONS OF THIS ACT.

WHEREAS, there have been widespread complaints throughout the State concerning the effects of the sale and consumption of deleterious, harmful, adulterated, synthetic, spurious, imitation or inferior wines, or wines containing an improper balance of elements, or lacking in the purity and quality necessary for the protection of the public health; and

WHEREAS, the sale and consumption of such wines have increased public drunkeness and crime throughout the State and are a menace to the public health, safety and morality; and

WHEREAS, there have also been widespread complaints throughout the State concerning the boisterous, unlawful or immoral conduct and practices at some of the places where wines are sold for consumption on the premises, and it is the general opinion that the kinds or types of places where wines may be sold for consumption on the premises should be restricted or limited in the interests of the public health, safety and morality; and

WHEREAS, the public welfare demands that there be some regulation and supervision of the identity, quality and purity of wines sold or offered for sale in this State, and some restriction of the places where such wines are sold for consumption on the premises; and

WHEREAS, for purposes of convenience, economy and efficiency, such supervision and regulation should be vested in an appropriate agency of the State already established instead of in a new agency, and the State Board of Alcoholic Control is the proper agency to administer such supervision and regulation: Now, therefore,

The General Assembly of North Carolina do enact:

Amending law relating to wine.

SECTION 1. That Chapter eighteen of the General Statutes be amended by adding thereto a new article, to be designated Article eight, and to read as follows:

ART. 8. Establishment of Standards for Lawful Wine.

Powers of State Board of Alcoholic Control regarding wine.

SEC. 18-109. Powers of State Board of Alcholic Control. The State Board of Alcoholic Control is authorized and empowered:

To adopt regulations.

(1) To adopt rules and regulations establishing standards of identity, quality and purity for the wines described in Section eighteen - sixty-four (b) and in Article five, Chapter eighteen, of the General Statutes. These standards shall be such as are deemed by said board to best protect the public against wine containing deleterious, harmful or impure substances or elements, or an improper balance of elements, and against spurious or imitation wines and wines unfit for beverage purposes. *Provided,* nothing in this or in any other section of this article or Act shall authorize said board to increase the alcoholic content of the wines described in Section eighteen - sixty-four (b) and in Article five, Chapter eighteen, of the General Statutes, or to permit the sale or possession of any wines in any county of the State where the same are now or shall hereafter be prohibited by law.

(2) To issue permits to resident or non-resident manufacturers, wineries, bottlers, and wholesalers, or any other persons selling wine for the purpose of resale, or offering wine for sale for the purpose of resale, whether on their own account or for or on behalf of other persons, which permit shall only authorize the possession or sale in this State of wines meeting the standards adopted by the board; and to revoke any such permit on violation of any of the provisions of this article or of any of the rules and regulations promulgated under the authority of this article. To issue permits.

(3) To test wines possessed or offered for sale, or sold in this State and to make chemical or laboratory analyses of said wines or to determine in any other manner whether said wines meet the standards established by said board; to confiscate and destroy any wines not meeting said standards; to enter and inspect any premises upon which said wines are possessed or offered for sale; and to examine any and all books, records, accounts, invoices, or other papers or data which in any way relate to the possession or sale of said wines. To test wine.

(4) To take all proper steps for the prosecution of persons violating the provisions of this article, and for carrying out the provisions and intent thereof. Prosecutions of violations.

(5) To employ such personnel as may be necessary for the efficient administration and enforcement of this article, subject to the provisions of the Executive Budget Act. To employ administrative personnel.

(6) To exercise all other powers which may be reasonably implied from the granting of express powers herein, together with such other powers as may be incidental to, or convenient for, the carrying out and performance of the powers and duties herein given to said board; and to exercise any and all of the powers granted said board under Section eighteen - thirty-nine of the General Statutes which are needed for the proper administration and enforcement of this article. Additional powers.

SEC. 18-110. Duties of persons possessing wine or offering the same for sale. All persons possessing or offering for sale or reselling any of the wines described in Section eighteen - sixty-four (b) and in Article five, Chapter eighteen, of the General Statutes, shall keep clear, complete and accurate records which will reveal the sources from which said wines were acquired, the date of acquisition, and any other information which may be required to be preserved by rules and regulations of the board. All such persons shall freely permit representatives of the board to enter and inspect the premises upon which such wines are possessed or offered for sale, to test and analyze any of such wines, and to examine all books, records, accounts, invoices, or other papers or data relating to such wines. Duties of persons possessing wine or offering same for sale.

Furnishing statement of analysis.

SEC. 18-111. Statement of analysis to be furnished. Manufacturers, wineries, bottlers, and wholesalers, or any other persons selling wine for the purpose of resale, whether on their own account or for or on behalf of other persons, shall, upon the request of the board, furnish a verified statement of a laboratory analysis of any wine sold or offered for sale by such persons.

Requiring permit.

SEC. 18-112. Manufacturers, bottlers, wholesalers, et cetera, to obtain permit for sale from board. All manufacturers of wine, wineries, bottlers of wine, wholesalers of wine, or any other persons selling wine for the purpose of resale, whether on their account or for or on behalf of other persons, whether any of such manufacturers, wineries, bottlers, wholesalers or other persons are residents or nonresidents of this State, shall, as a condition precedent to the sale or the offering for sale of any wine described in Section eighteen - sixty-four (b) and in Article five, Chapter eighteen, of the General Statutes, apply for and obtain from the State Board of Alcoholic Control a permit for the sale of wines approved by said board. The sale of wines without such a permit, or the sale with such a permit of wines not approved by the board, shall be unlawful.

Violation constitutes misdemeanor.

SEC. 18-113. Violation misdemeanor; permit revoked. Any person who violates any of the provisions of this article, or any of the rules and regulations promulgated under the authority of this article, shall be guilty of a misdemeanor and shall, upon conviction, be fined or imprisoned, or both, in the discretion of the court. Any permit issued under authority hereof shall be subject to suspension or revocation by the board when it appears that the permit holder has violated any of the provisions of this Act. *Provided however,* that when the board shall determine that any person has violated any of the provisions hereof, before his permit shall be either suspended or revoked, he shall be given five (5) days written notice, by registered mail, advising the permit holder of the charges against him and fixing a day, hour and place for a hearing, which hearing shall be conducted by the board. The permit holder shall be entitled to appear in person or be represented by counsel at such hearing.

Misdemeanor for retailer to sell unapproved wines.

SEC. 18-113 (a). Misdemeanor for retailer to sell unapproved wines. It shall be unlawful for any person selling at retail any of the wines described in Section eighteen - sixty-four (b) and in Article five, Chapter eighteen, of the General Statutes, to sell wines, the brands of which are not on the approved list of wines prepared by the State Board of Alcoholic Control, unless specific authority for the sale of said wines has been obtained from said board. It shall be the duty of all retailers to secure from the State Board of Alcoholic Control an approved list of wines and it shall be unlawful for retailers to purchase

from manufacturers, wholesalers or distributors any wines not on said approved list, unless specific authority for such purchase is obtained from the State Board of Alcoholic Control.

Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined or imprisoned, or both, in the discretion of the court. Misdemeanor.

SEC. 18-114. Funds for administration of article. The Governor and the Council of State are authorized to allocate from the Contingency and Emergency Fund such funds for the administration of this article as may be found to be necessary. Funds for administration.

SEC. 18-115. Definition of "person." As used in this article, the word "person" shall include natural persons, partnerships, associations, joint stock companies, corporations, and any other form of organization for the transaction of business. Defining "person."

SEC. 18-116. Effective date; disposition of wines on hand. This article shall be effective from and after the ratification of this Act. *Provided,* no standards adopted by the State Board of Alcoholic Control shall be effective until thirty days after the adoption of the regulation establishing said standards; and *provided further,* that any person affected by the adoption of any standard by the board shall be granted sixty days after the effective date of the standard within which to dispose of any wines on hand at the effective date of said standard which do not comply with said standard. Effective date.

SEC. 2. That wherever references are hereinafter made to the "Revenue Act," the same shall be references to the Revenue Act of one thousand nine hundred thirty-nine, as amended, and as the same is codified in the publication entitled "Revenue Act," issued by the Secretary of State under authority of Section ten, Chapter three hundred, Session Laws of one thousand nine hundred forty-three. Reference to Revenue Act.

SEC. 3. That Section five hundred and one of the Revenue Act be amended by substituting a comma for the period at the end of the first paragraph of Subsection (b) of said section and by adding the following immediately thereafter: Amending Revenue Act.

"which wine has been approved as to identity, quality and purity by the State Board of Alcoholic Control as provided in Chapter eighteen of the General Statutes."

SEC. 4. That Section five hundred and four of the Revenue Act be amended by inserting in said section at the end of the first sentence thereof the following new sentence: Amending Revenue Act.

The license specified in this section shall not be issued for the manufacture of the beverages described in Section five hundred and one (b) unless the applicant for license exhibits a valid per-

mit from the State Board of Alcoholic Control to engage in the business of selling such beverages for resale, as provided in Chapter eighteen of the General Statutes.

Amending Revenue Act.

SEC. 5. That Section five hundred and five of the Revenue Act be amended by substituting a semicolon for the period at the end of the first sentence of said section and adding immediately thereafter the following:

"*provided further*, the license provided by this section for the bottling of the beverages described in Section five hundred and one (b) shall not be issued to any person who does not have a permit to engage in the business of bottling the beverages described in Section five hundred and one (b) from the Board of Alcoholic Control as provided in Chapter eighteen of the General Statutes."

Amending Revenue Act.

SEC. 6. That Section five hundred and six of the Revenue Act be amended by substituting a semicolon for the period at the end of the second paragraph of said section and by adding immediately thereafter the following:

"*provided further*, the license provided by this paragraph shall not be issued to any person who does not have a permit to engage in the business of selling at wholesale the beverages described in Section five hundred and one (b) from the Board of Alcoholic Control as provided in Chapter eighteen of the General Statutes."

SEC. 7. That Section five hundred and eight of the Revenue Act be amended by adding at the end of said section the following:

The license provided by this section shall not be issued to any person for offering for sale or soliciting orders for, the beverages described in Section five hundred and one (b) who does not have a permit to engage in the business of offering for sale or soliciting orders for beverages described in Section five hundred and one (b) from the Board of Alcoholic Control as provided in Chapter eighteen of the General Statutes.

Amending Revenue Act.

SEC. 8. That Section five hundred and nine and one half of the Revenue Act be amended by rewriting Subdivision one of said section as follows:

"On premises" licenses shall be issued only to bona fide hotels, cafeterias, cafes and restaurants which shall have a Grade A rating from the State Department of Health, and shall authorize the licensees to sell at retail for consumption on the premises designated in the license; *provided*, no such license shall be issued except to such hotels, cafeterias, cafes and restaurants where prepared food is customarily sold and only to such as are

licensed under the provisions of Section one hundred and twenty-seven of the Revenue Act of one thousand nine hundred and thirty-nine, as amended; *provided further*, no such license shall be issued to persons or places which are licensed only under Subsection (a) of Section one hundred and twenty-seven of the Revenue Act of one thousand nine hundred and thirty-nine, as amended.

Amending Revenue Act.

SEC. 9. That Section five hundred and eighteen and one half of the Revenue Act be amended by inserting in line twenty of said section after the word "number." the following new sentence:

The license issued under this section to any person who does not have a permit from the Board of Alcholic Control as provided in Chapter eighteen of the General Statutes for the sale for resale of beverages described in Section five hundred and one (b) shall only permit said licensee to engage in the business of selling for resale the beverages described in Section five hundred and one (a).

Amending Revenue Act.

SEC. 10. That Section five hundred and twenty-eight (c) of the Revenue Act be amended by substituting a comma for the period at the end of said section and adding thereto the following:

"and which has been approved as to identity, quality and purity by the State Board of Alcoholic Control as provided in Chapter eighteen of the General Statutes."

Amending Revenue Act.

SEC. 11. That Section five hundred and twenty-eight (g) of the Revenue Act be amended by rewriting the second paragraph of said section as follows:

"*Provided*, in any county in which the operation of Alcoholic Beverage Control stores is authorized by law, it shall be legal to sell sweet wines for consumption on the premises in hotels and restaurants which have a Grade A rating from the State Board of Health, and it shall be legal to sell said wines in drug stores and grocery stores for off premises consumption; such sales however shall be subject to the rules and regulations of the State Alcoholic Beverage Control Board. For the purpose of this Act, as amended, sweet wines shall be any wine made by fermentation from grapes, fruits or berries, to which nothing but pure brandy has been added, which brandy is made from the same type of grape, fruit or berry, which is contained in the base wine to which it is added, and having an alcoholic content of not less than fourteen per centum (14%) and not more than twenty per centum (20%) of absolute alcohol, reckoned by volume, and approved by the State Board of Alcoholic Con-

trol as to identity, quality and purity as provided in Chapter eighteen of the General Statutes:".

Amending Revenue Act.

SEC. 12. That Article VI of the Revenue Act be amended by inserting therein immediately after Section five hundred and twenty-four a new section to be designated Section five hundred and twenty-four (a), and to read as follows:

SEC. 524 (a). Whenever the State Board of Alcoholic Control shall certify to the Commissioner of Revenue that any permit issued by said board under the provisions of Chapter eighteen of the General Statutes has been cancelled or revoked, the Commissioner of Revenue shall thereupon immediately revoke any license which has been issued under this article to the person whose permit has been revoked by said board, and such revocation by the commissioner shall not entitle the person whose license was revoked to any refund of taxes or license fees paid for or under said license.

SEC. 13. Wherever in this Act amendments are made to the Revenue Act of one thousand nine hundred thirty-nine, as amended, and as the same is codified in the publication entitled "Revenue Act," issued by the Secretary of State under authority of Section ten, Chapter three hundred, Session Laws of one thousand nine hundred forty-three, such amendments shall be deemed to also have been made to the corresponding sections of the General Statutes in which said sections of the Revenue Act are codified.

Effective date.

SEC. 14. Except as otherwise provided herein this Act shall be in full force and effect on and after May first, one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 15. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Ratified this the 19th day of March, 1945.

H. B. 878

CHAPTER 904

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND SEVENTY-THREE OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE CORPORATE LIMITS OF THE TOWN OF BRYSON CITY, IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Changing corporate limits of Bryson City.

SECTION 1. Amend Section one of Chapter five hundred and seventy-three of the Public-Local Laws of the Session of one thousand nine hundred and thirty-nine so as to eliminate from

the present corporate boundary lines of the Town of Bryson City or the boundary described in Section one of Chapter five hundred and seventy-three of the Public-Local Laws of the Session of one thousand nine hundred and thirty-nine, all of that section and territory or any land lying East of Deep Creek and North of the right of way of the Southern Railway Company.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 879 CHAPTER 905

AN ACT TO FIX THE AMOUNT OF DEPOSIT WHEN A TRIAL BY JURY IS REQUIRED IN A JUSTICE OF THE PEACE COURT IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Before a party shall be entitled to a trial by jury before a justice of the peace of Durham County, he shall deposit with the justice the sum of twelve dollars ($12.00) for jury fee, and the justice shall pay to all persons who attend, as jurors pursuant to the summons, which shall include those who do serve and those who do not actually serve, the sum of one dollar ($1.00) each, which shall be included in the judgment as part of the costs, in case the party demanding the jury recover judgment, but not otherwise. The justice shall refund to the party the fees of all jurors who do not attend. Fixing at $12.00 the deposit when jury trial is requested in justice of peace court in Durham County.

SEC. 2. That this Act shall apply only to Durham County. Applies only to Durham County.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of March, 1945.

H. B. 882 CHAPTER 906

AN ACT TO APPOINT TRUSTEES OF THE TRYON ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Appointing Trustees for Tryon Schools.

SECTION 1. That K. A. Bowen, James Lankford, R. E. Brantley, Mae Irene Flentye and Carl O. Storey, be and they are hereby appointed Trustees of the Tryon City Administrative School Unit for a term of two years, beginning April first, one thousand nine hundred and forty-five, and continuing until March thirty-first, one thousand nine hundred and forty-seven, or until their successors are appointed and qualified. All vacancies in the membership of said board of trustees by death, resignation, or otherwise, shall be filled by the action of the county executive committee of the political party of the member causing such vacancy, until the meeting of the next regular session of the General Assembly, and then for the residue of the unexpired term of that body. All vacancies that are not filled by the county executive committee under the authority herein contained within thirty days from the occurence of such vacancies shall be filled by appointment by the State Board of Education. The persons herein appointed trustees of said school unit must qualify by taking the oath of office on or before the first Monday in April, one thousand nine hundred and forty-five. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty days after notification thereof. A failure to qualify within that time chall constitute a vacancy. The trustees herein appointed shall be subject to the provisions of the State School Administrative Act governing trustees.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 893 CHAPTER 907

AN ACT TO AMEND CHAPTER NINE, SECTION FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA, RELAING TO JURORS FOR ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That General Statutes nine - four be and the same is hereby amended by striking out all of Paragraph eleven thereof and inserting in lieu thereof the following:

That the Commissioners of Rowan County shall cause to be drawn, as provided by law, the names of forty-eight (48) jurors for the first week of each February term of the superior court in said county, thirty-six (36) jurors for the first week of each term of the superior court thereafter and twenty-four (24) jurors for the second week of each term of the superior court.

Amending law relating to jurors in Rowan County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That the provisions of this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 894 CHAPTER 908

AN ACT CHANGING THE NAME OF BRANCH STREET TO KERR STREET IN THE TOWN OF JACKSONVILLE, ONSLOW COUNY.

The General Assembly of North Carolina do enact:

SECTION 1. The name of that street in the Town of Jacksonville, Onslow County, now known and designated as Branch Street, is hereby changed to Kerr Street and from and after the ratification of this Act said street shall be known and designated as Kerr Street.

Changing name of Branch Street in Jacksonville to Kerr Street.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 900 CHAPTER 909

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF WASHINGTON TO FIVE AND TO REDISTRICT WASHINGTON COUNTY FOR PURPOSE OF NOMINATION AND ELECTION OF MEMBERS OF SAID BOARD.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of the nomination and election of members of the Board of Commissioners for the County of Washington, the said county is hereby divided into two districts. Said districts shall be denominated as "District Number one"

Dividing Washington County into two districts for the purpose of electing County Commissioners.

and "District Number two." District Number one shall include and consist of Plymouth Township and Lees Mills Township; District Number two shall include and consist of Skinnerville Township and Scuppernong Township.

Increased Board to 5 members.

SEC. 2. The Board of Commissioners for the County of Washington is hereby increased from three members to five members.

Three Commissioners are to be nominated in District One and two in District Two.

SEC. 3. In all primary elections held hereafter for the nomination of candidates for member of the Board of Commissioners for the County of Washington, there shall be nominated three candidates from District Number one and two candidates from District Number two, as said districts are set up, created and defined in Section one hereof. All persons becoming candidates for nomination and election as members of said board shall have the qualifications now provided by law, and shall be residents of the district in which such person are candidates. In all primary elections held hereafter for nomination of members of said board, the candidates for nomination in each of the said districts shall be voted upon by the qualified and registered voters of the district of such candidates only, and the result shall be determined by the number of votes cast for each candidate in the district only in which such persons are candidates.

In General Election, the entire County to vote on all candidates.

SEC. 4. In all general elections held hereafter for the election of members of the Board of Comissioners for the County of Washington, the three candidates of each political party for members of the Board of Commissioners for the County of Washington in District Number one, and the two candidates of each political party for members of the said board in District Number two, being such persons as shall be declared to be the nominees of their respective political parties in the manner provided by the election laws relating to primary elections, shall be voted upon in the entire county, and the three candidates receiving the largest number of votes and who are candidates from District Number one, and the two candidates receiving the largest number of votes and who are candidates from District Number two, shall be declared duly elected members of the Board of Commissioners for the County of Washington and shall constitute its membership.

Each voting precinct to be entirely within either District One or District Two.

SEC. 5. For the purpose of holding and conducting primary elections and general election hereafter in Washington County, the said county shall be divided into precincts in such manner as not to include any parts of both districts as set up and created in Section one hereof in the same election of voting precinct.

SEC. 6. Two of the members of the Board of Commissioners for the County of Washington being at the time of the ratification hereof residents of District Number one, and one of said members being a resident of District Number two, as said dis-

tricts are set up and created in Section one hereof, two vacancies are deemed and declared to exist in the membership of the said board, one of such vacancies being in District Number one, and the other beieng in District Number two. A. R. Latham is hereby appointed a member of said board from District Number one, and T. F. Davenport is hereby appointed a member of said board from District Number two, and to fill the said vacancies. The said members herein appointed shall qualify for the offices to which they are appointed within thirty days from and after the ratification of this Act by taking the oath provided by law, shall thereupon become members of said board, and from and after their qualification they, together with the members of said board heretofore elected, shall be and constitute the Board of Commissioners for the County of Washington, all of whom shall hold office until their successors shall be duly elected at the next general election and shall qualify. Should the members of said board herein appointed, or either of them, fail to qualify for said offices in the manner and within the time herein provided, then a vacancy or vacancies equal in number to such person or persons herein appointed and failing to qualify shall be deemed to exist in the office of members of said board, and such vacancy or vacancies shall be filled by appointment in the manner now provided by law for the filling of vacancies in the office of members of such board.

Appointing two Commissioners to fill the positions created by increasing the number of Commissioners.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict. Chapter five hundred and thirty-one of the Public-Local Laws of one thousand nine hundred and thirty-three is hereby specifically repealed in its entirety.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 901 CHAPTER 910

AN ACT TO FIX THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF WASHINGTON COUNTY, NORTH CAROLINA, AND TO PROVIDE FOR AN ASSISTANT OR DEPUTY CLERK, AND TO FIX THE SALARY OF THE REGISTER OF DEEDS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. From and after July first, one thousand nine hundred and forty-five, the Clerk of the Superior Court of Washington County, North Carolina, shall receive as compensation for his services as clerk, in lieu of all fees, a salary of twenty-

Fixing salary of Clerk of Superior Court of Washington County at $2100.00.

one hundred dollars ($2,100.00) per annum, payable in twelve equal monthly installments. The salary herein provided shall not affect the salary of the Judge of the Juvenile Court of Washington County.

Fixing at $960.00 salary for Assistant Clerk.

SEC. 2. The Clerk of the Superior Court of Washington County is hereby authorized to employ an assistant or deputy clerk of the superior court at a salary of nine hundred sixty dollars ($960.00) per annum, payable in twelve equal monthly installments beginning on July first, one thousand nine hundred and forty-five.

Fixing salary of Register of Deeds of Washington County at $2400.00 and authorizing $960.00 for assistant or assistants.

SEC. 3. From and after July first, one thousand nine hundred and forty-five, the Register of Deeds of Washington County shall receive as compensation for his services as register of deeds, in lieu of all fees, a salary of twenty-four hundred dollars ($2,400.00) per annum, payable in twelve equal monthly installments. The Register of Deeds of Washington County is hereby authorized to employ an assistant or clerical assistants and to expend for this purpose the amount of nine hundred sixty dollars ($960.00) which said amount shall be paid or apportioned in the discretion of said register of deeds: *Provided*, that this authorization shall be effective as of July first, one thousand nine hundred and forty-five.

Foregoing salaries to be paid from county general fund.

SEC. 4. The Board of County Commissioners of Washington County is hereby authorized and directed to pay the salaries and compensation provided in Sections one, two, and three of this Act out of the general fund of Washington County.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 908 **CHAPTER 911**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BELHAVEN SO AS TO PROVIDE FOR THE HOLDING OF A PRIMARY FOR NOMINATION OF CANDIDATES FOR THE MUNICIPAL ELECTION.

The General Assembly of North Carolina do enact:

Amending Charter of Belhaven relating to nomination of Mayor and Aldermen.

SECTION 1. That all laws relating to the method of nominating candidates for the office of Mayor and members of the Board of Aldermen in the Town of Belhaven are hereby amended so as to provide as follows:

Candidates must be nominated in primaries.

SECTION 1. Nomination by primaries. All candidates to be voted for at all general municipal elections, at which time a mayor and five aldermen, or any other elective officers, are to be elected, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter provided.

Regulations for primaries.

SEC. 2. How primaries are held. The primary election for such nominations shall be held on the second Monday preceding the general election. The judges and other officers of election appointed for the general municipal election shall, whenever applicable, be the same judges of the primary election, and it shall be held in the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are required for the general municipal elections.

Prescribing form to be filed by candidates.

SEC. 3. Notice of candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor or alderman shall, at least ten days prior to the primary election, file with the town clerk a statement of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

I, ..., hereby give notice that I reside at ..... Street, Town of Belhaven, County of Beaufort, State of North Carolina; that I am a candidate for nomination to the office of mayor, alderman (strike out inapplicable part), to be voted upon at the primary election to be held on the ..... Monday of ..... 19.....

I affiliate with the ..... party, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed) .....

Such candidate shall, at the same time, pay to the town clerk to be turned over to the town treasurer the sum of five dollars ($5.00).

Names of candidates to be published.

SEC. 4. Publication of names. Immediately upon the expiration of the time for filing the petition of candidates, the town clerk shall cause to be posted at the town hall, in proper form, the names of persons as they are to appear upon the primary ballots.

Describing ballot.

SEC. 5. Ballots prepared. The clerk shall thereupon cause the primary ballots to be printed. Upon the ballot the names of the candidate for mayor, arranged alphabetically, shall be placed, with a square at the left of each name, and immediately

below shall appear the words, "Vote for one." And upon the ballots in like manner shall be placed, alphabetically, the names of the candidates for alderman, with instructions to vote for five.

Counting ballots.

SEC. 6. Ballots counted. Judges of elections shall immediately, upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the town clerk upon blanks to be furnished by the clerk within six hours of the closing of the polls.

Canvassing returns.

SEC. 7. Returns canvassed. On the day following the primary election the town clerk, under the supervision and direction of the mayor and the board of aldermen, shall canvass such returns so received from all the polling precincts, and shall post the results at the town hall. The canvass by the town clerk shall be publicly made.

Candidates.

SEC. 8. Who to be candidates. The candidate receiving the highest number of votes for mayor and the five candidates receiving the highest number of votes for aldermen shall be the candidates of the political party of which they affiliate and the only candidates whose names shall be placed upon the ballot for mayor and aldermen at the next succeeding general municipal election: *Provided*, in all cases where only one aspirant for nomination by the party with which he affiliates for the office of mayor shall have filed as herein required and where only five aspirants for nomination by the party with which they affiliate have filed as herein required by the board of aldermen, they shall be declared the nominees by the party with which they affiliate.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 917 CHAPTER 912

AN ACT TO AMEND SECTION ONE - THREE HUNDRED AND SEVENTY-TWO OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE RETURN OF APPRAISERS IN HOMESTEAD PROCEEDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one - three hundred and seventy-two of the General Statutes of North Carolina by adding a proviso at the end of said section, which said proviso shall read as follows:

Provided, that the return of the appraisers of their proceedings as described in this section shall be invalid, void, and of no effect as to the rights of third persons or parties or as to the rights of persons, firms or corporations who are not parties to the judgment or proceeding unless said return is filed with the judgment roll in the action, and the minutes of the same entered on the judgment docket, and a certified copy thereof under the hand of the clerk shall be registered in the office of the register of deeds for the county.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 921 **CHAPTER 913**

AN ACT TO AMEND SECTION TWO - TWENTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE FEES FOR REGISTERING FEDERAL COURT LIENS AND FEDERAL CHATTEL MORTGAGES IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to registration fees of certain instruments in Currituck County.

SECTION 1. That Section two - twenty-eight of the General Statutes of North Carolina is hereby amended by inserting the word "Currituck" before the word "Caswell" and after the word "Brunswick" in line nineteen. It is the intent and purpose of this Act to exempt Currituck County from the operation of Section two - twenty-eight of the General Statutes.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 927 CHAPTER 914

AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE COLLECTION OF TAXES ON NEWLY DISCOVERED PROPERTY IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to collection of taxes on newly discovered property in Guilford County.

SECTION 1. Section one hundred and five - three hundred and thirty-one of the General Statutes of North Carolina is hereby amended by rewriting the last paragraph of Subsection three thereof to read as follows:

The taxes and penalties for each year shall be shown separately; but, for the purpose of tax collection and foreclosure, taxes assessed for all years preceding the current year shall be regarded as taxes for the year next preceding the current year and the schedules of penalties for the nonpayment of the taxes for the year next preceding the current year shall apply to such taxes and penalties for failure to list, despite the fact that such taxes and penalties for failure to list may not have been levied until the penalties for failure to pay have already accrued.

Applies only to Guilford County.

SEC. 2. This Act shall apply to Guilford County only.

SEC. 3. This Act shall become effective upon its ratification.

Ratified this the 19th day of March, 1945.

H. B. 929 CHAPTER 915

AN ACT TO FIX THE COMPENSATION OF THE MAYOR AND THE COMMISSIONERS AND THE LAW ENFORCEMENT OFFICERS OF THE TOWN OF SELMA.

The General Assembly of North Carolina do enact:

Fixing salary of Mayor of Selma.

SECTION 1. Effective July first, one thousand nine hundred and forty-five, the governing body of the Town of Selma is authorized to pay to the Mayor of the Town of Selma in lieu of all other fees or compensation for his services as mayor, or as judge of the mayor's court, a salary in an amount to be fixed annually at the time of the adoption of the annual budget in an amount not to exceed the sum of seventy-five dollars ($75.00) per month, to be paid out of the general fund. The Mayor of the Town of Selma shall pay into the general fund all fees, costs and charges collectible by him as mayor or judge of the mayor's court.

Fixing salary of Town Commissioners of Selma.

SEC. 2. Effective July first, one thousand nine hundred and forty-five, the governing body of the Town of Selma is authorized to pay to the Town Commissioners of Selma in lieu of all other compensation for their services as such commissioners, a

salary in an amount to be fixed annually at the time of the adoption of the annual budget in an amount not to exceed the sum of twenty-five dollars ($25.00) per month, to be paid out of the general fund. All fees, costs or charges collectible by such commissioners in their official capacity shall be paid into the general fund.

Relating to compensation of police and law enforcement officers.

SEC. 3. Effective July first, one thousand nine hundred and forty-five, all police and law enforcement officers of the Town of Selma shall receive salaries in such amount as the governing body of the Town of Selma may, in its discretion, determine, and all fees, costs and charges of every nature whatsoever collectible by such officers shall be paid forthwith into the general fund.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 933 CHAPTER 916

AN ACT TO INCREASE THE SALARIES OF THE CLERK OF THE SUPERIOR COURT AND OF THE REGISTER OF DEEDS FOR MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Fixing at $5,000.00 salary of Clerk of Superior Court of Mecklenburg County.

SECTION 1. The salary of the Clerk of the Superior Court of Mecklenburg County shall be five thousand dollars ($5,000.00) per year, payable in equal monthly installments.

Fixing at $4,700.00 salary of Register of Deeds.

SEC. 2. The salary of the Register of Deeds for Mecklenburg County shall be four thousand seven hundred dollars ($4,700.00) per year, payable in equal monthly installments.

Effective July 1, 1945.

SEC. 3. The salaries herein fixed shall be effective as of July first, one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 934 CHAPTER 917

AN ACT TO AMEND CHAPTER EIGHTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE SALARY OF THE DEPUTY SHERIFF OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Increasing to $2100.00 salary of Deputy Sheriff of Union County.

SECTION 1. That Chapter eighty of the Public-Local Laws of one thousand nine hundred and thirty-one, be and the same is hereby amended by striking out the following words appearing in line six of Section two, to-wit: "at the rate of one thousand eight hundred ($1,800.00) dollars," and by inserting in lieu thereof the following: to be fixed by the board of county commissioners at the rate of not more than twenty-one hundred ($2,100.00) dollars.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective April 1, 1945.

SEC. 3. That this Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-five.

Ratified this the 19th day of March, 1945.

H. B. 936 CHAPTER 918

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR ANSON COUNTY, IN THEIR DISCRETION, TO TRANSFER AND ALLOCATE DELINQUENT AND INSOLVENT TAXES TO THE GENERAL FUND.

The General Assembly of North Carolina do enact:

Authorizing Anson County to transfer and allocate delinquent and insolvent taxes to the general fund.

SECTION 1. That the Board of Commissioners for Anson County be authorized and empowered, in its discretion, to direct that all delinquent taxes collected on land sale certificates, and all insolvent taxes, shall be transferred or allocated to the general fund; *provided,* that the purposes for which said taxes were levied have been met, or, if such taxes are or have been allocated or transferred to the general fund, the general fund shall assume liability for the payment of such appropriations or budgetary objects for which such taxes were levied, to the extent of such transfer or allocation; *provided, further,* that in all instances where such transfers or allocations may heretofore have been made the same are hereby approved.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 937 CHAPTER 919

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE INCORPORATING THE TOWN OF ROCKY POINT IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Repealing law chartering Rocky Point.

SECTION 1. Chapter four hundred and four of the Private Laws of one thousand nine hundred and five, entitled, "An Act to Incorporate the Town of Rocky Point in Pender County," as amended, and all laws amendatory thereto, are hereby repealed.

Dissolving corporate existence of Rocky Point.

SEC. 2. The Town of Rocky Point in Pender County is hereby dissolved as an incorporated town, and all its rights, powers and privileges as such are hereby rescinded.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 938 CHAPTER 920

AN ACT TO AMEND CHAPTER SIX HUNDRED AND EIGHTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN RELATING TO THE FEE OF THE COTTON WEIGHER AT SPRING HOPE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Amending law relating to cotton weigher of Spring Hope.

SECTION 1. Section two of Chapter six hundred and eighteen of the Public-Local Laws of one thousand nine hundred and eleven, as amended by Chapter one hundred and ninety-seven of the Public-Local Laws of one thousand nine hundred and seventeen, is hereby amended by rewriting that part of said section following the semicolon in line five to read as follows:

Fixing fee of cotton weigher at 25 cents per bale, 10 cents to be paid by purchaser and 15 cents by the seller.

"and the said weigher shall receive as full compensation for his services the sum of twenty-five cents (25c) per bale for each bale weighed. Of this amount the purchaser is to pay ten cents (10c) and the seller is to pay fifteen cents (15c). The purchaser shall pay the fee of twenty-five cents (25c) to the cotton weigher and shall deduct from the purchase price of the cotton the fee of fifteen cents (15c) required of the seller. The same fees shall be paid, and in the same manner, for cotton taken at gin weights as though said cotton had been weighed by the cotton weigher."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 940 CHAPTER 921

AN ACT TO APPOINT A BOXING AND WRESTLING COMMISSION FOR NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Wilmington and New Hanover County to appoint a Boxing and Wrestling Commission for New Hanover County to consist of 3 persons.

SECTION 1. That the Mayor of the City of Wilmington and the Chairman of the Board of County Commissioners of New Hanover County are hereby empowered and authorized to appoint a Boxing and Wrestling Commission for New Hanover County to consist of three citizens, who shall serve as follows: one, for a period of two years; one, for a period of four years; one, for a period of six years; said members of said commission to serve without compensation.

Legalizing boxing and wrestling exhibitions to be held under regulations by foregoing Commission.

SEC. 2. That it shall be lawful to engage in, manage, or promote boxing and wrestling exhibitions which do not exceed twelve rounds as to boxing matches and three falls as to wrestling matches: *Provided,* said commission shall have full power and authority to make such rules and regulations and to limit the number of matches scheduled or allowed on any one card or bill, as in its discretion may be necessary for the proper regulation of such boxing or wrestling exhibition, and shall have the power to prohibit or stop a match at any time, even after consent has been given for the holding of such boxing or wrestling exhibition.

Exhibitions without permit from Commission or violation of regulations of Commission constitute misdemeanor.

SEC. 3. Any person or persons who shall engage in, promote, aid or abet in promoting, managing, or engaging in such exhibitions without first having obtained the written consent of the said commission, and any person or persons violating any of the rules and regulations of the commission or who shall refuse to obey orders of said commission controlling a boxing or wrestling match, shall be guilty of a misdemeanor, and shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than six months, in the discretion of the court.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act, and especially Chapter one hundred and thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, and Chapter one hundred and thirty-five of the Public-

Local Laws of one thousand nine hundred and twenty-four, Extra Session, be and the same are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 964 CHAPTER 922

AN ACT TO VALIDATE CERTAIN CONVEYANCES OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Validating certain sales made by Asheville.

SECTION 1. That all sales of real property, and all deeds made, executed and delivered therefor, prior to the first day of January, one thousand nine hundred and thirty, for good and valuable consideration, by the City of Asheville, without said sales having been made at public outcry, after thirty days' notice, to the highest bidder, are hereby in all respects validated, ratified and confirmed, and said deeds are hereby declared to be valid conveyances of the land and premises therein described.

Not to affect pending litigation.

SEC. 1½. Nothing in this Act shall be construed to affect any pending litigation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. B. 973 CHAPTER 923

AN ACT TO AMEND SENATE BILL NUMBER THREE HUNDRED AND THIRTY-THREE RATIFIED ON THE THIRD DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE, ENTITLED "AN ACT TO DIVIDE NORTH CAROLINA INTO EIGHT EDUCATIONAL DISTRICTS."

The General Assembly of North Carolina do enact:

Amending an earlier Chapter of the 1945 Session Laws to substitute "Seventh District" in lieu of "Sixth District."

SECTION 1. That the words "Sixth District" following the words "Stokes County" shall be stricken out and the words "Seventh District" substituted in lieu thereof.

Substituting "Sixth District" for "Seventh District."

SEC. 2. That the words "Seventh District" following the words "Yadkin County" be stricken out and the words "Sixth District" be substituted in lieu thereof.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective March 16, 1945.

SEC. 4. That this Act shall be in force from and after March sixteenth, one thousand nine hundred and forty-five.

Ratified this the 19th day of March, 1945.

S. B. 143 CHAPTER 924

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY-FIVE - ONE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE RETIREMENT SYSTEM FOR TEACHERS AND STATE EMPLOYEES.

The General Assembly of North Carolina do enact:

Amending law relating to State Retirement System for teachers and State employees.

SECTION 1. Amend Subsection six of Section one hundred and thirty-five - one of the General Statutes of North Carolina by rewriting said Subsection six so that the same shall hereafter read as follows:

(6) "Member" shall mean any teacher or State employee included in the membership of the system as provided in Sections one hundred and thirty-five - three and one hundred and thirty-five - four: *Provided,* that no member shall be entitled to participate under the provisions of this chapter as to that part of the compensation in excess of five thousand dollars ($5,000.00) received by such members during any year and this shall apply to all creditable service.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. B. 170 **CHAPTER 925**

AN ACT TO REWRITE ARTICLES ONE AND TWO OF CHAPTER ONE HUNDRED AND TWENTY-TWO OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE MANAGEMENT OF THE STATE HOSPITAL AT RALEIGH, THE STATE HOSPITAL AT MORGANTON, THE STATE HOSPITAL AT GOLDSBORO, AND THE CASWELL TRAINING SCHOOL AT KINSTON.

The General Assembly of North Carolina do enact:

Amending law relating to State Hospital and other mental institutions of State.

SECTION 1. That Section one hundred and twenty-two - seven of the General Statutes of North Carolina be and the same is hereby amended by rewriting said section as follows:

Providing for State Hospitals at Raleigh, Morganton and Goldsboro and the Caswell Training School to be managed by one Board of Directors of 15 to be appointed by the Governor.

SEC. 122-7. Management of certain institutions by unified Board of Directors; appointment; quorum; term of office. The following institutions of this State shall be under the management of one board of directors composed of fifteen members, all of whom shall be appointed by the Governor of North Carolina: the State Hospital at Raleigh, the State Hospital at Morganton, the State Hospital at Goldsboro, and the Caswell Training School at Kinston. In order that all sections of the State shall have representation on said board, the Governor shall name one member from each Congressional District of the State and three members at large on said board. The board of directors to be named from Congressional Districts shall be divided into four classes of three directors each, the first class to serve for a period of one year, the second class to serve for a period of two years, the third class to serve for a period of three years, the fourth class to serve for a period of four years, and the three directors at large to serve for a period of four years, and at the expiration of their respective terms of office all appointments shall be for a term of four years, except such as are made to fill unexpired terms. Eight directors shall constitute a quorum.

To appoint 1 Director from each Congressional District and 3 at large.

Members of the board shall serve for terms as prescribed above, and until their successors are appointed and qualified. The Governor shall have the power to remove any member of the board whenever in his opinion it is to the best interest of the State to remove such person, and the Governor shall not be required to give any reason for such removal.

Amending Section 122 - 11.2 of General Statutes.

SEC. 2. That Section one hundred and twenty-two - eleven point two of the General Statutes of North Carolina be and the same is hereby amended by striking out in line eleven of said section the word "two" and inserting in lieu thereof the word "six."

Amending Section 122 - 11.3.

SEC. 3. That Section one hundred and twenty-two - eleven point three of the General Statutes of North Carolina be and the same is hereby amended by striking out in line two of the

second paragraph thereof the words "two years" and substituting in lieu thereof the words "six years."

Repealing Section 122 - 11.5.

SEC. 4. That Section one hundred and twenty-two - eleven point five of the General Statutes of North Carolina be and the same is hereby repealed.

Amending Section 122 - 14.

SEC. 5. That Section one hundred and twenty-two - fourteen of the General Statutes of North Carolina be and the same is hereby amended by inserting immediately after the word "Raleigh" in line two of said section the following: "The State Hospital at Morganton."

Amending Section 122 - 17.

SEC. 6. That Section one hundred and twenty-two - seventeen of the General Statutes of North Carolina be and the same is hereby amended by striking out in line three of said section the word "three" and by inserting in lieu thereof the word "five."

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-five.

Ratified this the 20th day of March, 1945.

S. B. 365 CHAPTER 926

AN ACT TO FIX THE FEES FOR CONSTABLES FOR THE SERVICE OF CRIMINAL AND CIVIL PAPERS IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Fixing Constable fees in Pitt County.

SECTION 1. That for the service of civil and criminal papers, constables in Pitt County shall receive the following fees:

Subpoena, thirty cents (30c) for each name;

Capias, two dollars ($2.00);

Arrest on warrant, one dollar and fifty cents ($1.50);

Civil summons, one dollar ($1.00);

Ejectment proceedings, two dollars ($2.00);

Claim and delivery, two dollars ($2.00);

Attachment, two dollars and fifty cents ($2.50);

Execution from a court of justice of the peace, two dollars ($2.00);

Arrest in civil action, two dollars ($2.00).

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. B. 366 CHAPTER 927

AN ACT TO REGULATE THE ISSUANCE OF LICENSES FOR THE SALE OF WINE AND BEER IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Bladen County may, in its discretion, decline to issue any licenses authorized under the provisions of Chapter eighteen of the General Statutes of North Carolina for the sale of wine and beer. Authorizing Commissioners of Bladen County to refuse, in their discretion, to issue any licenses for sale of wine and beer.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 296 CHAPTER 928

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF NORTHAMPTON COUNTY AND THE GOVERNING BODIES OF THE MUNICIPALITIES SITUATED THEREIN TO PROHIBIT THE SALE OF BEER AND WINE WITHIN THEIR RESPECTIVE BORDERS.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Northampton County shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said county, except that it may not prohibit the sale of wine in any municipality of said county unless the governing body adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality. Authorizing Commissioners of Northampton County to regulate or prohibit sale of wine.

SEC. 2. The governing body of any municipality in Northampton County, from and after the effective date of this Act shall have full power and authority, by resolution adopted, to regulate Authorizing governing body of any municipality in Northampton County to regulate or prohibit sale of wine.

or prohibit the sale of wine within the corporate limits of its municipality.

Power of regulation exercised by Commissioners of County and governing body of municipalities.

SEC. 3. The Board of County Commissioners of Northampton County and/or the governing body of any municipality of said county may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective dates for regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 389 CHAPTER 929

AN ACT TO PROHIBIT THE SALE OF WINE AND BEER WITHIN THE CORPORATE LIMITS OF THE TOWN OF ANGIER AND WITHIN ONE MILE THEREOF.

The General Assembly of North Carolina do enact:

Authorizing Angier to regulate or prohibit sale of wine.

SECTION 1. From and after the effective date of this Act, the governing body of the Town of Angier, Wake County, shall have full power and authority by resolution duly adopted to regulate or prohibit the sale of wine within said town.

SEC. 2. The Board of Commissioners of Wake County, from and after the effective date of this Act, shall have full power and authority by resolution duly adopted to regulate or prohibit

the sale of wine within a radius of one mile outside the corporate limits of the Town of Angier.

Authorizing Wake County to regulate or prohibit sale of beer in said County within radius of one mile from Angier.

SEC. 3. The governing body of the Town of Angier and/or the Board of Commissioners of Wake County may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Effective dates of regulations.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Violations constitute misdemeanor.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 408 CHAPTER 930

AN ACT TO AUTHORIZE THE GOVERNING BOARD OF THE TOWN OF ROCKINGHAM TO REGULATE OR PROHIBIT THE SALE OF BEER AND WINE BETWEEN THE HOURS OF SEVEN P. M. ON EACH SATURDAY AND SEVEN A. M. ON THE FOLLOWING MONDAY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section eighteen - one hundred and seven of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

The governing officials of the Town of Rockingham in Richmond County are hereby authorized and empowered to regulate or prohibit the sale of beer, ale or wine within said town from seven p. m., on each Saturday until seven a. m., on the following Monday.

Authorizing Rockingham to regulate or prohibit sale of beer and wine from 7 P.M. Saturday to 7 A.M. Monday.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 636 CHAPTER 931

AN ACT TO AUTHORIZE THE GOVERNING BOARD OF THE TOWN OF HAMLET TO REGULATE OR PROHIBIT THE SALE OF BEER AND WINE BETWEEN THE HOURS OF SEVEN P. M. ON EACH SATURDAY AND SEVEN A. M. ON THE FOLLOWING MONDAY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section eighteen - one hundred and seven of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

Authorizing Hamlet to regulate or prohibit sale of beer and wine from 7 P.M. Saturday to 7 A.M. Monday.

The governing officials of the Town of Hamlet in Richmond County are hereby authorized and empowered to regulate or prohibit the sale of beer, ale or wine within said town from seven p. m., on each Saturday until seven a. m., on the following Monday.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 652 CHAPTER 932

AN ACT TO PROHIBIT THE SALE OF BEER, ALE OR WINE IN MOUNT AIRY TOWNSHIP, SURRY COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Mount Airy to regulate or prohibit sale of wine within said town.

SECTION 1. From and after the effective date of this Act, the governing body of the Town of Mount Airy, Surry County, shall have full power and authority by resolution duly adopted to regulate or prohibit the sale of wine within said town.

Authorizing Surry County to regulate or prohibit sale of wine in Mount Airy Township outside of corporate limits of Mount Airy.

SEC. 2. The Board of Commissioners of Surry County, from and after the effective date of this Act, shall have full power and authority by resolution duly adopted to regulate or prohibit

the sale of wine within that part of Mount Airy Township outside the corporate limits of the Town of Mount Airy.

Power to regulate sale of wine in Mount Airy Township.

SEC. 3. The governing body of the Town of Mount Airy and/or the Board of Commissioners of Surry County may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 724 CHAPTER 933

AN ACT TO REGULATE THE ISSUANCE OF LICENSES FOR BEER AND WINE IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Commissioners of Haywood County to regulate or prohibit sale of wine. Within municipalities, County action subject to municipal action.

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Haywood County shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said county, except that it may not prohibit the sale of wine in any municipality of said county unless the governing body adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality.

Authorizing municipalities in Haywood County to regulate or prohibit sale of wine.

SEC. 2. The governing body of any municipality in Haywood County, from and after the effective date of this Act shall have full power and authority, by resolution adopted, to regulate or

prohibit the sale of wine within the corporate limits of its municipality.

Authorizing regulations by County and/or municipalities.

SEC. 3. The Board of County Commissioners of Haywood County and/or the governing body of any municipality of said county may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 755 CHAPTER 934

AN ACT TO AMEND CHAPTER EIGHTEEN, SECTION SEVENTY-SEVEN, GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE ISSUANCE OF WINE LICENSES IN THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Amending Chapter 18 Section 77 of 1943 laws relating to wine licenses, so as to make same applicable to Greensboro.

SECTION 1. That Chapter eighteen, Section seventy-seven of the General Statutes of North Carolina, one thousand nine hundred and forty-three, be and the same is hereby amended by inserting the following words, to-wit: "City of Greensboro in Guilford County" between the word "Nash" and the word "Granville" in line twenty-four of said Section seventy-seven.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 789 CHAPTER 935

AN ACT TO AMEND SECTION EIGHTEEN - SEVENTY-SEVEN OF THE GENERAL STATUTES BY MAKING CERAIN PROVISIONS THEREIN APPLY TO THE COUNTY OF VANCE.

Amending Section 18 - 77 of General Statutes, relating to wine licenses, so as to make same applicable to Vance County.

SECTION 1. Section eighteen - seventy-seven of the General Statutes is hereby amended by inserting the word "Vance" to follow the word "Granville" in line twenty-three.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 790 CHAPTER 936

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF VANCE COUNTY AND THE GOVERNING BODIES OF ANY MUNICIPALITY IN SAID COUNTY TO REFUSE TO ISSUE LICENSES FOR THE SALE OF WINE OR BEER.

Authorizing Commissioners of Vance County, Scotland County and Moore County to refuse, in their discretion, to issue licenses to sell wine anywhere in their County outside of any municipality.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Vance, Scotland and Moore Counties are hereby authorized in their discretion to refuse to issue licenses for the sale of wine anywhere in the counties outside the corporate limits of any municipality therein.

Authorizing any municipality in Vance, Scotland and Moore Counties to refuse to issue wine licenses.

SEC. 2. The governing body of any municipality in Vance, Scotland and Moore Counties in their discretion are hereby authorized to refuse to issue a license for the sale of wine within the corporate limits of said municipality.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 818 **CHAPTER 937**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ROBESON COUNTY TO DIRECT THE BOARD OF ELECTIONS TO CALL A SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF SAID COUNTY THE QUESTION OF WHETHER THE SALE OF BEER AND WINE IN SAID COUNTY SHALL BE PROHIBITED.

The General Assembly of North Carolina do enact:

Authorizing Robeson County to regulate or prohibit sale of wine, except County action not to apply within a municipality unless governing body therein approves.

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Robeson County shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said county, except that it may not prohibit the sale of wine in any municipality of said county unless the governing body adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality.

Authorizing any municipality in Robeson County to regulate or prohibit sale of wine therein.

SEC. 2. The governing body of any municipality in Robeson County, from and after the effective date of this Act shall have full power and authority, by resolution adopted, to regulate or prohibit the sale of wine within the corporate limits of its municipality.

Authorizing Robeson County and municipalities therein to regulate sale of wine.

SEC. 3. The Board of County Commissioners of Robeson County and/or the governing body of any municipality of said county may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution, in which to dispose of stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished, in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 860 CHAPTER 938

AN ACT FIXING THE SALARIES OF THE SHERIFF AND THE FIRST DEPUTY SHERIFF OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the salary of the Sheriff for Columbus County shall be three thousand three hundred dollars ($3,300,00) per year payable in equal monthly installments.

Fixing $3,300.00 as salary of Sheriff of Columbus County.

SEC. 2. That the salary of the First Deputy Sheriff for Columbus County shall be two thousand seven hundred dollars ($2,700.00) per year, plus any fees collected by him, payable in equal monthly installments.

Fixing compensation of the First Deputy Sheriff.

SEC. 3. That the salaries herein fixed shall be effective as of April first, one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this action are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 862 CHAPTER 939

AN ACT RELATING TO THE SALARIES OF THE SHERIFF, CLERK OF SUPERIOR COURT, REGISTER OF DEEDS, AND COUNTY ACCOUNTANT OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In lieu of all other fees and commissions of every kind and nature, the Sheriff of Anson County shall receive a salary of thirty-six hundred dollars ($3,600.00) per year to be paid out of the general fund of the county in equal monthly installments. The county shall pay for all office supplies, equipment, et cetera, and furnish the necessary clerical help, the salary of which shall be fixed by the board of county commissioners. The Sheriff of Anson shall continue to collect all fees, commissions, executions, fines, turnkey jail fees, all types of fees in justice of the peace court, and all other fees, commissions, allowances of every kind and nature received by him by virtue of his office and shall turn the same over to the county auditor. The sheriff shall be allowed expenses for travel of six hundred dollars ($600.00) per year as provided in Section three, Chapter four hundred twenty-six of the Public-Local Laws of one thousand nine hundred and thirty-nine.

Fixing $3600.00 as salary of Sheriff of Anson County.

All fees to go to County.

Allowing $600.00 for travel.

Fixing $3600.00 as salary of Clerk of Superior Court.

SEC. 2. In lieu of all other fees and commissions of every kind and nature, the Clerk of Superior Court of Anson County shall receive a salary of thirty-six hundred dollars ($3,600.00) per year to be paid out of the general fund of the county in equal monthly installments. The salary of thirty-six hundred dollars ($3,600.00) per year shall include the duties of serving as ex officio Clerk of Anson County Criminal Court and as Juvenile Judge. The county shall pay for all office supplies, equipment, et cetera, and furnish the necessary clerical help, the salary of which shall be fixed by the board of county commissioners. The Clerk of Superior Court of Anson County shall continue to collect all fees, commissions, et cetera, now allowed by law and shall turn the same over to the county auditor.

Fees collected to go to County.

Fixing compensation of Register of Deeds.

SEC. 3. The Register of Deeds of Anson County, in lieu of all other fees and commissions of every kind and nature, shall receive a salary of twenty-four hundred dollars ($2,400.00) per year to be paid out of the general fund of the county in equal monthly installments, and he shall receive the sum of six hundred dollars ($600.00) per annum as clerk of the board of county commissioners, payable in monthly installments. If the register of deeds is assigned the additional duties of county accountant, county auditor and tax collector, he shall receive such additional compensation for performing the duties of one or more of said positions as may be fixed in the discretion of the board of county commissioners. The county shall pay for all office supplies, equipment, et cetera, and furnish the necessary clerical help, the salary of which shall be fixed by the board of county commissioners. The register of deeds shall continue to collect all fees, commissions, et cetera, now allowed by law and shall turn the same over to the county auditor.

Fees collected to go to County.

Sheriff, Clerk and Register of Deeds to remit County funds to Auditor monthly.

SEC. 4. The Sheriff and the Clerk of the Superior Court and the Register of Deeds of Anson County shall each on the first Monday of each month, unless said first Monday is a holiday, then on the second Monday of that month, turn over all of the fees, commissions, fines, forfeitures, and all other sums collected by them by virtue of their office, to the county auditor who shall distribute the same to the various county funds as now provided by law; and to determine whether or not a true and perfect accounting has been made, the said auditor shall audit the records of said officers.

Effective date of foregoing salaries.

SEC. 5. The salaries herein provided for shall become effective at the end of the term of office of the present sheriff, clerk of superior court, or register of deeds: *Provided, however,* that the board of county commissioners may make the salaries of either one or all said officers effective at any time after the ratification of this Act upon such officer making such request in writing to the board of county commissioners.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 865 **CHAPTER 940**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GRANVILLE COUNTY AND THE GOVERNING BODIES OF ANY MUNICIPALITY IN SAID COUNTY TO REFUSE TO ISSUE LICENSES FOR THE SALE OF WINE OR BEER.

Authorizing Commissioners of Granville County to refuse, in their discretion, to issue wine licenses outside of municipalities.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Granville County is hereby authorized in its discretion to refuse to issue licenses for the sale of wine anywhere in the county outside the corporate limits of any municipality therein.

Authorizing municipalities to refuse, in their discretion, to issue wine licenses.

SEC. 2. The governing body of any municipality in Granville County in its discretion is hereby authorized to refuse to issue a license for the sale of wine within the corporate limits of said municipality.

Authorizing Commissioners of Person County to refuse, in their discretion, to issue wine licenses outside of municipalities.

SEC. 2½. The Board of Commissioners of Person County is hereby authorized in its discretion to refuse to issue licenses for the sale of wine anywhere in the county outside the corporate limits of any municipality therein and the governing body of any municipality in Person County is hereby authorized to refuse to issue licenses for the sale of wine within the corporate limits of said municipality.

Authorizing municipalities in Person County to refuse to issue wine licenses.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 884 CHAPTER 941

AN ACT TO FIX THE COMPENSATION FOR JURORS FOR DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of jurors in Durham County.

SECTION 1. That all jurors for Durham County shall receive the sum of four dollars ($4.00) per day for each day served by them and shall likewise receive mileage each day at the rate of five cents (5c) per mile for each mile traveled by them while going from and returning to their home.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 904 CHAPTER 942

AN ACT TO FIX THE PAY OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF EDUCATION OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of members of Board of Education in Cumberland County.

SECTION 1. That the Board of Education of Cumberland County is hereby authorized to pay the chairman and members thereof not more than ten dollars ($10.00) per day for each day spent in the transaction of business and mileage at the rate of five cents (5c) per mile while going to and returning from the place where business is transacted. Said board of education is authorized to pay the chairman thereof, in addition to the per diem and mileage above referred to, not more than one hundred and twenty-five dollars ($125.00) each three months.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 905 CHAPTER 943

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of County Commissioners in Pender County.

SECTION 1. Effective as of July first, one thousand nine hundred and forty-four, the members of the Board of County Commissioners of Pender County shall be paid out of the general fund of the county as compensation for their services on said board, the sum of ten dollars ($10.00) per diem for each day spent in the discharge of their official duties, together with travel allowance at the rate of five cents (5c) per mile while traveling on official business from their respective homes to the place of meeting of the board and return, such mileage to be computed by the usual route of public travel.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 916 CHAPTER 944

AN ACT TO AMEND HOUSE BILL NUMBER TWO HUNDRED AND FIFTY-SIX RELATING TO CONTRACTING FOR PHOTOGRAPHIC RECORDING OF INSTRUMENTS AND DOCUMENTS FILED FOR RECORD IN THE OFFICES OF THE REGISTER OF DEEDS, CLERK OF SUPERIOR COURT AND OTHER COUNTY OFFICES.

The General Assembly of North Carolina do enact:

Amending earlier Chapter of the 1945 Session Laws relating to contracts for photographic recording of instruments in County offices.

SECTION 1. House Bill Number two hundred fifty-six enacted into law by the present one thousand nine hundred forty-five Session of the General Assembly of North Carolina is hereby amended in the following respects:

(1) By striking out all of Section four after the semicolon in line seven and substituting in lieu thereof, the following:

Amending Section 4.

Provided further, that the board of county commissioners may when it appears necessary to complete the work, extend the time in which said photographing must be completed and returned to the court house of the county.

Amending Section 5.

(2) Section five is hereby amended by striking out all of said section after the word "and" in line six and inserting in lieu

thereof, *"Provided,* that the board of county commissioners may when it appears necessary to complete the work, extend the time in which said photographing must be completed and returned to the court house of the county."

Amending Section 3.

SEC. 1½. Amend Section three of House Bill Number two hundred and fifty-six enacted into law by the present one thousand nine hundred and forty-five Session of the General Assembly on line two and line five after the word "film" by adding the words "or sensitized paper" in each instance and amend Section six line three and line six and line seven thereof after the word "film" by adding the words "or sensitized paper" in each instance.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 918 CHAPTER 945

AN ACT TO VALIDATE OFFICIAL ACTS OF NOTARIES PUBLIC AND JUSTICES OF THE PEACE IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Validating official acts of notaries and justices of peace in Hyde County.

SECTION 1. Each and all of the official acts of notaries public and justices of the peace in and for Hyde County heretofore performed, including but not limited to all papers and process issued, trials held, judgments rendered, probates taken, marriage ceremonies performed, oaths or affirmations administered, acknowledgments, depositions or examinations taken, attestations, certificates or protest made, are hereby in all respects validated, ratified and confirmed.

Does not apply to pending litigation.

SEC. 2. That this Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 923 **CHAPTER 946**

AN ACT TO ALLOW CERTAIN COMPENSATION FOR ELECTION OFFICIALS IN CURRITUCK COUNTY.

WHEREAS, the compensation paid the Chairman and the Board of Elections of Currituck County and also the compensation paid to the registrars and judges of elections is inadequate and is not in line with the compensation paid to the members of the board of county commissioners and the members of Currituck County Board of Education: Now, therefore,

The General Assembly of North Carolina do enact:

Fixing compensation of Board of Elections of Currituck County.

SECTION 1. That the Chairman and Members of the Board of Elections in Currituck County shall receive the sum of seven dollars and fifty cents ($7.50) per day for each day spent by them in canvassing and performing their official duties in connection with returns of any primary, special or general election held in Currituck County. The provisions of this section shall apply only to the day or number of days necessary for said officials to perform their duties in canvassing the returns of said elections.

Fixing compensation of election officials.

SEC. 2. That the Registrars and Judges of Elections in Currituck County shall receive the sum of seven dollars and fifty cents ($7.50) per day when holding an election in Currituck County, either primary, special or general. This rate of compensation shall be applicable only to the day or days on which elections are held.

Does not affect compensation for other official acts of foregoing officers.

SEC. 3. That nothing contained in this Act shall be construed as repealing any act or affecting any compensation paid to the officials named in Sections one and two of this Act for other official acts or services which they are required to perform and for which they are compensated, which are in addition to the performance of duties or services contained in this Act.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 946 CHAPTER 947

AN ACT GRANTING AVERY COUNTY COMMISSIONERS AUTHORITY IN THEIR DISCRETION TO COMPENSATE THE HIGH SHERIFF FOR EXPENSES INCURRED WHILE ON OFFICIAL BUSINESS.

The General Assembly of North Carolina do enact:

Authorizing Avery County to pay Sheriff $50.00 per month for expenses.

SECTION 1. That the County Commissioners of Avery County are hereby authorized to pay, in their discretion, the high sheriff not to exceed the sum of fifty dollars ($50.00) per month for his expenses incurred while on official duty.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 3. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 20th day of March, 1945.

H. B. 950 CHAPTER 948

AN ACT TO AUTHORIZE AND EMPOWER THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF HAMLET TO EXECUTE A QUITCLAIM DEED TO THE SEABOARD AIR LINE RAILWAY COMPANY.

WHEREAS, certain property of the George J. Freeman estate lying Eastwardly of Raleigh Street in the town of Hamlet, North Carolina, Southerly from West Avenue, Northerly from the right of way of the Seaboard Air Line Railway Company, and Northerly from Spring Street, was subdivided by the owners of said property into city lots in the year one thousand nine hundred and twenty-five, and a street laid out through said property from West Avenue Southerly to Spring Street, and known as Grand Avenue, a plat of said division being duly recorded in the office of the Register of Deeds for Richmond County in Book of Plats Number two at Page two hundred and forty-three; and

WHEREAS, said street has never been accepted by the Town of Hamlet, nor has the same ever been improved, or used as a street; and

WHEREAS, the Seaboard Air Line Railway Company has now purchased all of the adjacent lots on both sides of said Grand Avenue, and has used and is using said property for railway purposes, and that it will be necessary to close said Grand Avenue, which has never had and does not now have any value to the Town of Hamlet, or any of its citizens, except the owners of the property adjacent to said Grand Avenue; and

WHEREAS, the Seaboard Air Line Railway Company is desirous of securing a quitclaim deed from the Town of Hamlet for said Grand Avenue, as shown on said plat, and the Mayor and Board of Commissioners of said Town of Hamlet are willing to execute such a deed: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Mayor and Board of Commissioners of the Town of Hamlet be, and they are hereby, authorized and empowered to execute a quitclaim deed to the Seaboard Air Line Railway Company for any and all right the Town of Hamlet may now have in and to the property known as Grand Avenue, for and in consideration of the sum of one dollar.

Authorizing Hamlet to execute quit claim deed to Seaboard Air Line Railway Company for Grand Avenue.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 952 CHAPTER 949

AN ACT TO PROVIDE TRAVEL ALLOWANCE TO CONSTABLES IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Washington County is authorized to pay out of the general fund to all constables in Washington County, in addition to all other fees, commissions, or compensation received by such constables, a travel allowance at the rate of five cents (5c) per mile while such constables in discharge of their official duties are transporting prisoners.

Authorizing payment of five cents per mile travel expenses to Constables in Washington County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 962 CHAPTER 950

AN ACT TO AMEND CHAPTER TWENTY-EIGHT OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE VALIDATION OF SALES OF REAL ESTATE BY ADMINISTRATORS IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section twenty-eight - one hundred and three of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

Validating sales by administrators in Alexander County prior to January 1, 1935.

The provisions of this section shall apply to sales by administrators in Alexander County made prior to January first, one thousand nine hundred and thirty-five.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 965 CHAPTER 951

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ONSLOW COUNTY TO CORRECT THE TAX LEVY FOR ONE THOUSAND NINE HUNDRED AND FORTY-FOUR WITHOUT INCREASING THE AMOUNT THEREOF.

The General Assembly of North Carolina do enact:

Authorizing Onslow County to correct tax levy for 1944 without increasing the amount thereof.

SECTION 1. The Board of Commissioners of Onslow County is hereby authorized and empowered at any time prior to August first, one thousand nine hundred and forty-five, to amend and correct the minutes of said board making the tax levy for said county for the year one thousand nine hundred and forty-four, so as to correctly show the objects and purposes for which ad valorem taxes were and should have been levied in said county for that year. Any action taken by said board of commissioners under authority of this Act shall be valid to the same extent as though said tax levy was correctly set forth in the minutes of said board at the meeting at which such levy was made: *Provided*, the total taxes levied in said county as shown by such corrected minutes shall not exceed the total taxes set forth as levied in the present minutes of the said board for such year, and all taxes paid by the taxpayers of said county shall be deemed to

be for the purposes for which such corrected tax levy is shown to have been made.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. B. 179 **CHAPTER 952**

AN ACT TO AMEND THE LAWS OF NORTH CAROLINA RELATING TO PERSONS WITH MENTAL DISEASES AND TO PROVIDE FOR COMMITTING SUCH PERSONS TO INSTITUTIONS FOR OBSERVATION TO DETERMINE THEIR MENTAL CONDITION.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter thirty-five of the General Statutes of North Carolina is hereby amended by striking out the title of said chapter and inserting in lieu thereof "Persons with Mental Diseases and Incompetents." Changing title of Chapter 35 of General Statutes to "Persons with Mental Diseases and Incompetents."

SEC. 2. That Chapter thirty-five of the General Statutes of North Carolina is hereby amended by adding thereto a new section to precede immediately Section thirty-five - one to be numbered thirty-five - one half and to read as follows: Amending Chapter 35 by inserting new Section to precede Section 35 - 1.

SEC. 35-½. Definitions. The words "mental disease," "mental disorder" and "mental illness" shall mean an illness which so lessens the capacity of the person to use his customary self-control, judgment, and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to be under treatment, care, supervision, guidance, or control. The terms shall be construed to include "lunacy," "unsoundness of mind," and "insanity." Defining mental disease, mental disorder and mental illness.

A "mental defective" shall mean a person who is not mentally ill but whose mental development is so retarded that he has not acquired enough self-control, judgment, and discretion to manage himself and his affairs, and for whose own welfare or that of others, supervision, guidance, care, or control is necessary or advisable. The term shall be construed to include "feeble-minded," "idiot," and "imbecile." Mental defective.

SEC. 3. That Section thirty-five - two is hereby amended by striking out the word "idiot" appearing in lines two, seven, eleven, fourteen, twenty-two, twenty-five, thirty-two and forty-three, and inserting in lieu thereof the words "mental defective." Amending Section 35 - 2 to substitute "mental defective" in lieu of "idiot."

Substituting "mentally disordered" in lieu of "lunatic."

That Section thirty-five - two of the General Statutes of North Carolina is further amended by striking out the word "lunatic" in lines two, eight, eleven, fourteen, twenty-two, twenty-six, thirty-two and forty-three, and inserting in lieu thereof the words "mentally disordered."

Substituting mentally defective" for "idiot" in Section 35 - 10.

SEC. 4. That Section thirty-five - ten of the General Statutes of North Carolina is hereby amended by striking out the word "idiot" in line three and inserting in lieu thereof the words "mentally defective."

Substituting "mentally disordered" for "lunatic" in Section 35 - 10.

That Section thirty-five - ten of the General Statutes of North Carolina is further amended by striking out the word "lunatic" in line three and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally defective" for "idiot" in Section 35 - 11.

SEC. 5. That Section thirty-five - eleven of the General Statutes of North Carolina is hereby amended by striking out the word "idiot" in lines two and seven and inserting in lieu thereof the words "mentally defective."

Substituting "mentally disordered" for "lunatic" in Section 35 - 11.

That Section thirty-five - eleven of the General Statutes of North Carolina is further amended by striking out the word "lunatic" in lines two and eight, and inserting in lieu thereof the words "mentally disordered."

Substituting "person with mental disorder" for "nonsane person" in Section 35 - 11.

That Section thirty-five - eleven of the General Statutes of North Carolina is further amended by striking out the words "nonsane person" in line seventeen and inserting in lieu thereof the words "person with mental disorder."

Adding Section 35 - 35.1.

SEC. 6. That Chapter thirty-five of the General Statutes of North Carolina is hereby amended by adding thereto a new section to follow immediately Section thirty-five - thirty-five to be numbered Section thirty-five - thirty-five point one and to read as follows:

Commitment of inebriates for mental disorders.

SEC. 35-35.1. Commitment of Inebriates for Mental Disorders. Whenever an inebriate under a commitment to the State Hospital at Raleigh is found to be suffering from a mental disorder he may be committed as a mentally disordered person by having two physicians not connected with the State Hospital at Raleigh examine him at the request of the Superintendent of the State Hospital at Raleigh, without removing said inebriate and alleged mentally disordered person from the State Hospital. If these said two physicians find that the inebriate is mentally disordered, they shall sign the usual affidavit for commitment of an individual as mentally disordered and forward same to the clerk of the superior court of the county in which the inebriate is settled: whereupon the said clerk of court may declare the said person committed to the proper hospital as a mentally disordered person as provided in this chapter. Upon adjudication the superin-

tendent shall notify the sheriff of the county in which the alleged mentally disordered person is settled, and it shall be said sheriff's duty to convey the mentally disordered person to the proper hospital.

Amending Chapter 122 to change title to "Hospitals for the Mentally Disordered."

SEC. 7. That Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by striking out the title to said chapter and inserting in lieu thereof "Hospitals for the Mentally Disordered."

Substituting "mentally disordered" for "insane" in Section 122 - 1.

SEC. 8. That Section one hundred and twenty-two - one of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in lines two, five and eight and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally disordered" for "insane" in Section 122 - 3.

SEC. 9. That Section one hundred and twenty-two - three of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in lines four, seven, sixteen and nineteen and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally disordered" for "insane" in Section 122 - 5.

SEC. 10. That Section one hundred and twenty-two - five of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in lines two, three and six, and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally disordered" for "insane" in Section 122 - 6.

SEC. 11. That Section one hundred and twenty-two - six of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in lines ten and eleven, and inserting in lieu thereof the words "mentally disordered."

Rewriting Section 122 - 27.

SEC. 12. That Section one hundred and twenty-two - twenty-seven of the General Statutes of North Carolina is hereby rewritten to read as follows:

Superintendent to notify of escape or revocation of probation of inmate.

SEC. 122-27. Superintendent to notify of escape or revocation of probation of inmate. When any inmate of a State hospital who has been released therefrom on probation has breached the conditions of his probation or when any inmate has escaped from a State hospital, the superintendent of the hospital shall immediately notify the committing physicians and the sheriff and clerk of court of the county in which such inmate is located at the time of such escape or breach of the conditions of probation. Upon the receipt of such notice, it shall be the duty of the sheriff to return such inmate to the hospital from which he has escaped or has been released on probation. The expense of returning such inmate shall be borne by the county of such inmate's legal settlement.

Rewriting Section 122 - 36.

SEC. 13. That Section one hundred and twenty-two - thirty-six of the General Statutes of North Carolina is hereby rewritten to read as follows:

Persons entitled to immediate admission if space available.

SEC. 122-36. Persons entitled to immediate admission if space available. Any resident of North Carolina who has been legally adjudged by a clerk of court or other properly authorized person in accordance with the provisions of this chapter to be mentally disordered or a proper person to be committed to a State hospital for observation shall, if space is available, be entitled to immediate admission in the State Hospital at Morganton, the State Hospital at Raleigh, or the State Hospital at Goldsboro, in accordance wih the principles of division of race and residence prescribed in this chapter. No resident of this State who has been legally adjudged mentally disordered or a proper subject for observation and who has been presented to the superintendent of the proper State hospital for the mentally disordered as provided in this article, shall be refused admission thereto if space is available, but nothing in this article shall be construed to affect the discharge or transfer of patients as now provided by law.

Upon the admission of any such person, the superintendent of the institution shall notify the clerk of the superior court who has committed such person as mentally disordered, or as a proper subject for observation.

Rewriting Section 122 - 37.

SEC. 14. That Section one hundred and twenty-two - thirty-seven of the General Statutes of North Carolina is hereby rewritten to read as follows:

Mental defectives admitted.

SEC. 122-37. Mental defectives admitted. Any person with mental deficiency who in addition is suffering from epilepsy or a mental disorder may be admitted to the proper State hospital for the mentally disordered. Mental defective delinquents and low grade idiots who are unable to look after their own persons may be admitted to the Caswell Training School.

Amending Section 122 - 38.

SEC. 15. That Section one hundred and twenty-two - thirty-eight of the General Statutes of North Carolina is hereby amended by striking out the second sentence of said section and inserting in lieu thereof the following:

The board of directors may, if there be sufficient room, admit other than indigent patients, upon proper compensation, based upon the ability of the patient or his estate to pay. Where the clerk of court or the superintendent of the hospital has doubt as to the indigency of the mentally disordered person, he shall refer the question to the county department of public welfare for investigation.

Substituting "persons" for "insane" in Section 122 - 38.

That Section one hundred and twenty-two - thirty-eight of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in line three and inserting in lieu thereof the word "persons."

Substituting "patient" for "inmate" in Section 122 - 38.

That Section one hundred and twenty-two - thirty-eight of the General Statutes of North Carolina is further amended by striking out the word "inmate" in line ten and inserting in lieu thereof the word "patient."

Substituting "mentally disordered" for "insane" in Section 122 - 39.

SEC. 16. That Section one hundred and twenty-two - thirty-nine of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in lines six and eight and inserting in lieu thereof the words "mentally disordered."

Amending Section 122 - 40.

SEC. 17. That Section one hundred and twenty-two - forty of the General Statutes of North Carolina is hereby amended by rewriting the second sentence of said section to read as follows:

If it is not possible to ascertain the legal residence of the alleged mentally disordered person and the clerk or the assistant clerk of court shall be of the opinion that the alleged mentally disordered person is a resident of this State, within the meaning of the law, and in all other respects would be a proper person to be committed as mentally disordered or for observation, he shall state that he was unable to ascertain the legal residence of the alleged mentally disordered person and shall commit him to the proper State hospital in accordance with the principles of divisions as to race and residence prescribed in this chapter.

Substituting "mentally disordered" for "insane" in Section 122 - 40.

That Section one hundred and twenty-two - forty of the General Statutes of North Carolina is hereby further amended by striking out the word "insane" in lines two and four and inserting in lieu thereof the words "mentally disordered."

Substituting "for the mentally disordered" for "as insane" in Section 122 - 41.

SEC. 18. That Section one hundred and twenty-two - forty-one of the General Statutes of North Carolina is hereby amended by striking out the words "as insane" in lines two and three and inserting in lieu thereof the words "for the mentally disordered."

Rewriting Section 122 - 42.

SEC. 19. That Section one hundred and twenty-two - forty-two of the General Statutes of North Carolina is hereby rewritten to read as follows:

Requiring affidavit of mental disorder to procure admission.

SEC. 122-42. Affidavit of mental disorder to procure admission. For admission into a State hospital, the following proceeding shall be had: Some reliable person having knowledge of the facts shall make before and file with the clerk of the superior court of the county in which the alleged mentally disordered person resides or in which the alleged mentally disordered person is at the time the affidavit is filed, an affidavit in writing which shall be substantially in the following form:

State of North Carolina, ...County.

The undersigned makes oath that he has carefully observed

.....and believes.....

to be a mentally disordered person, and to be, in the opinion of

Form of affidavit.

the undersigned, a fit subject for admission into a hospital for the mentally disordered.

Dated.....day of..... A. D.....

.....,Affiant.

Sworn and subscribed before me.....

Officer.

The above affidavit may be sworn to before the clerk of superior court, the assistant clerk of superior court or the deputy clerk of superior court.

Rewriting Section 122 - 43.

SEC. 20. That Section one hundred and twenty-two - forty-three of the General Statutes of North Carolina is hereby rewritten to read as follows:

Requiring examination and affidavit.

SEC. 122-43. Examination. Whereupon the clerk of court shall direct two physicians, duly licensed to practice medicine by the State, to go to the alleged mentally disordered person or have him brought to them in order that the alleged mentally disordered person may be examined by the said two physicians to determine if a state of mental disorder exists and if it warrants commitment to one of the State institutions for the mentally disordered. If the said two physicians are satisfied that commitment of the alleged mentally disordered person is necessary, they shall sign an affidavit professing to same, which shall be substantially in the following form:

State of North Carolina, ...County.

Form of affidavit.

The undersigned, licensed to practice medicine by the State of North Carolina, makes oath that he has carefully examined

.....and believes him to be suffering from a mental disease, and to be, in the opinion of the undersigned, a fit subject for admission into a hospital for the mentally disordered.

Dated.....day of....., A. D. 19.....

.....M. D.

Affiant

Sworn and subscribed before me.

.....

Officer

The above affidavit may be sworn to before the clerk of the superior court, the assistant clerk of the superior court, the deputy clerk of the superior court, or a notary public.

SEC. 21. That Section one hundred and twenty-two - forty-five of the General Statutes of North Carolina is hereby repealed. Repealing Section 122 - 45.

SEC. 22. That Section one hundred and twenty-two - forty-six of the General Statutes of North Carolina is hereby rewritten to read as follows: Rewriting Section 122 - 46.

SEC. 122-46. Clerk to commit to hospital of observation. Whereupon the clerk of the court shall direct such mentally disordered person to be removed to the proper hospital as a patient for a period of not more than thirty days from the time of admission to the proper hospital for observation to determine the state of said person's mental health and to that end he shall transmit to the proper board of directors the examination of the witnesses and the statement of such facts as he shall deem pertinent to the subject matter. He shall make the following order and commitment to the proper State hospital in substantially the following form: Providing for Clerk to commit person to hospital for observation.

State of North Carolina, ... County.

State of North Carolina,

To the State Hospital at ....., N. C., Greetings:

Whereas, it has been made satisfactorily to appear to me, ..., Clerk of the Superior Court of said county, that ....., a person having his legal settlement in this county is mentally disordered, epileptic, or addicted to the use of drugs or alcohol (draw a pen through terms not applying), that he is a bona fide citizen of the State, and that he has a legal settlement in said county and is a fit subject for care and treatment in the State Hospital at ....., and that he, being at large, is injurious to himself and disadvantageous if not dangerous to the community: Form of commitment.

These are, therefore, to command you to receive said ..... into the State Hospital at ..... for a period of observation, not exceeding thirty days, as provided for by the laws of this State.

Given under my hand and official seal, this ..... day of ....., 19.....

.....

Clerk Superior Court..... County.

If the patient is indigent, the following shall be filled out and shall accompany the commitment:

State of North Carolina, ... County. I, ...

....., Clerk of the Superior Court of the above county, do hereby certify that ..... is a poor person and has no estate nor property except ..... nor has any one such property who is liable for his maintenance under Section thirty-five - thirty-three of the General Statutes.

Given under my hand and official seal, this..... day of ....., 19.....

.....

Clerk Superior Court .....County.

If the patient is not indigent, the following should be filled out and accompany the commitment of the patient:

State of North Carolina, ...County.
I, ..., Clerk of the Superior Court of said County, do hereby certify that ..... has property of his own and is financially able to pay for his maintenance, or has relatives who under Section thirty-five - thirty-three of the General Statutes are liable for his maintenance, who have adequate property to pay for the same in the State Hospital at ....., N. C.

Given under my hand and official seal, this ..... day of ....., 19.....

.....

Clerk Superior Court.....County.

The application for admission and commitment to a particular hospital shall be forwarded to such hospital, and immediately upon receipt of said application, if there shall be room for said patient in said hospital, the superintendent shall immediately notify the clerk of the court that the patient will be admitted at once. The receipt of said notice by said clerk of court shall constitute his authority to have conveyed said patient to said hospital for immediate admission: *Provided,* that nothing herein shall prevent the superintendent of said hospital from sending immediately a representative of said hospital to convey said patient thereto.

Adding new Section 122 - 46.1.

SEC. 23. That Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by adding thereto a new section to follow immediately Section one hundred and twenty-two - forty-six, to be numbered one hundred and twenty-two - fortysix point one and to read as follows:

Providing for Clerk to make final commitment of person to hospital.

SEC. 122-46.1. Clerk may make final commitment to hospital. When such alleged mentally disordered person is committed to a State Hospital for observation, the hospital authorities shall, at the expiration of thirty days, file with the clerk of the superior court of the county in which the alleged mentally disordered person resided, if known, if not known, with the clerk of the

superior court who committed such alleged mentally disordered person for observation, a written report stating the conclusions reached by the hospital authorities as to the mental condition of the alleged mentally disordered person. Upon the basis of this report, the clerk of the superior court of the county in which the alleged mentally disordered person resided, or if such alleged mentally disordered person's residence is not known, the clerk of the superior court who committed him for observation is authorized to order said person discharged or to order him to remain at the hospital as a patient, as the facts may warrant. Any person who has been committed to any State hospital as mentally disordered as provided by law shall be and remain a charge of such State hospital until he has been discharged from said hospital or declared competent as otherwise provided by law.

At the end of the thirty-day observation period the superintendent of the State hospital in which the alleged mentally disordered person has been confined for a thirty-day period of observation may signify in writing to the clerk of the court of the county in which the alleged mentally disordered person is settled that his observation of the alleged mentally disordered person has not been completed and that a second thirty-day period of observation of the alleged mentally disordered person is requested. Whereupon the clerk of the superior court who committed the alleged mentally disordered person for observation is authorized to order said person to remain at the hospital as a patient for another thirty-day observation period.

Repealing Sections 122 - 47, 122 - 48 and 122 - 49.

SEC. 24. That Sections one hundred and twenty-two - forty-seven, one hundred and twenty-two - forty-eight and one hundred and twenty-two - forty-nine of the General Statutes of North Carolina are hereby repealed.

Adding new Section 122 - 49.1.

SEC. 25. That Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by adding thereto a new section, to follow immediately Section one hundred and twenty-two - forty-nine, to be numbered one hundred and twenty-two - forty-nine point one and to read as follows:

Providing for withdrawal of petition.

SEC. 122-49.1. Withdrawal of petition. The petitioner in a proceeding to determine the mental health or mental disease of an alleged mentally disordered person may, at any time before the adjudication that such alleged mentally disordered person is mentally disordered or mentally healthy, withdraw such petition by filing with the clerk of the superior court, in writing, a motion to this effect. The clerk is authorized to allow such motion and shall incur no liability for such action. When such motion is allowed, the proceedings shall be deemed to be at an end.

Substituting "mentally disordered" for "insane" in Section 122 - 50.

SEC. 26. That Section one hundred and twenty-two - fifty of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in line two and inserting in lieu thereof the words "mentally disordered."

Amending Section 122 - 52.

SEC. 27. That Section one hundred and twenty-two - fifty-two of the General Statutes of North Carolina is hereby amended by rewriting that portion of the first sentence preceding the semi-colon to read as follows:

Whenever an alleged mentally disordered person shall be entitled to admission in any one of the hospitals of the State as prescribed by law, and the clerk of the superior court or other officer authorized by law to find such person mentally disordered or a proper subject for observation has so found, it shall be the duty of the clerk or other officer forthwith to notify the superintendent of the proper hospital, giving the name, race, sex and age of the patient.

Substituting "mentally disordered" for "insane" in Section 122 - 53.

SEC. 28. That Section one hundred and twenty-two -fifty-three of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in lines one, four and five and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally disordered" for "insane" in Section 122 - 54.

SEC. 29. That Section one hundred and twenty-two - fifty-four of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in lines two, five, nine and eleven and inserting in lieu thereof the words "mentally disordered."

Amending Section 122 - 54.

That Section one hundred and twenty-two - fifty-four of the General Statutes of North Carolina is further amended by adding at the end thereof a new paragraph to read as follows:

Each female mentally disordered patient must be accompanied to the hospital by a member of her family; if a member of her family is not available, she must be accompanied by a female designated by the county superintendent of public welfare of the county of the patient's settlement, the expenses of said female attendant to be borne by the county commissioners.

Substituting "mentally disordered" for "insane" in Section 122 - 55.

SEC. 30. That Section one hundred and twenty-two - fifty-five of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in line two and inserting in lieu thereof the words "mentally disordered."

Rewriting Section 122 - 57.

SEC. 31. That Section one hundred and twenty-two - fifty-seven of the General Statutes of North Carolina is hereby rewritten to read as follows:

Providing for commitment in case of sudden or violent mental disorder.

SEC. 122-57. Commitment in case of sudden or violent mental disorder. Whenever any citizen or resident of this State or any other state becomes suddenly or violently mentally disordered, he may be committed to the proper State hospital for the mental-

ly disordered, private hospital, county hospital, or other suitable place, until adjudication can be made or for a period not exceeding ten days upon the affidavit of one physician not related by blood to the mentally disordered person and licensed to practice medicine in North Carolina, or by the order of the clerk of the superior court of the county in which the patient becomes suddenly or violently mentally disordered upon the application of a respectable citizen. The affidavit of the physican will be on a standard form provided by the State Hospitals Board of Control for this purpose. The physician's signature upon this form must be sworn to before a notary public or a deputy sheriff. The physician's notarized signature to the standard form provided by the State Hospitals Board of Control for the purposes enumerated in this section shall constitute authority for the temporary commitment of the alleged mentally disordered person who has become suddenly or violently mentally disordered without an order of the clerk of the superior court. Adjudication of a person temporarily committed under the provisions of this section may proceed without removing said person to the county of his residence.

Rewriting Section 122 - 62.

SEC. 32. That Section one hundred and twenty-two - sixty-two of the General Statutes of North Carolina is hereby rewritten to read as follows:

Providing for commitment on application of patient.

SEC. 122-62. Commitment upon patient's application. Any person believing himself to be of unsound mind or threatened with mental disorder may voluntarily commit himself to the proper hospital. The application for commitment shall be in the following form:

Form.

State of North Carolina, County of.....

I, ..., a resident of ..... County, North Carolina, being of mind capable of signifying my wishes, do hereby solicit admission as a patient in the State Hospital at.....

I agree in all respects to conform to the rules and regulations of said institution. I understand that I shall not be entitled to a discharge until I shall have given the superintendent ten days notice of my desire to be discharged.

.....

Attest:.....

This application shall be accompanied by the certificate of a licensed physician, which certificate shall state that in the opinion of the physician the applicant is a fit subject for admission into a hospital, and that he recommends his admission. The certificate of the clerk of the superior court need not accompany this application, and the medical director of the State hospital shall not notify the clerk of court of the county of the residence of the patient of the discharge of the patient. The superintendent

may, if he think it a proper application, receive the patient thus voluntarily committed and treat him, but no report need to be made to the clerk of court of the county of his settlement. The superintendent and board of directors shall have the same control over patients who commit themselves voluntarily as they have over those committed under the regular proceedings hereinbefore provided except that a voluntary patient shall be entitled to a discharge after he shall have given the superintendent ten days notice of his desire to be discharged.

Final commitment of voluntarily committed patients must proceed through the same channels as in case of the involuntary commitment of an allegedly mentally disordered person.

Rewriting Section 122 - 63.

SEC. 33. That Section one hundred and twenty-two - sixty-three of the General Statutes of North Carolina is hereby rewritten to read as follows:

Outlining procedure for admission of mentally disordered citizen of another State.

SEC. 122-63. Proceedings in case of mentally disordered citizens of another state. If any person not a citizen or a resident of this State but a resident or citizen of another state of the United States shall be ascertained to be mentally disordered, the clerk of court shall commit such mentally disordered person to a hospital for the mentally disordered in this State. Upon the admission of such mentally disordered person the superintendent of the hospital shall notify the North Carolina State Board of Charities and Public Welfare that the mentally disordered person is a citizen or resident of another state in order that the State Board of Charities and Public Welfare can take steps to transfer such mentally disordered person to the state of his settlement. If the state of the mentally disordered person's residence shall not provide for the removal of the said person from this State to the state of his residence or citizenship within a reasonable time, the superintendent of the State hospital shall cause him to be conveyed directly from the State hospital to the state of which he is a citizen or resident and delivered there to the superintendent of the proper state hospital. The cost of such proceedings and conveyance away from the State shall be borne by the county in which the person shall have been adjudged to be mentally disordered.

Adding Section 122 - 63.1.

SEC. 34. That Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by adding thereto a new section to follow immediately Section one hundred and twenty-two - sixty-three, to be numbered Section one hundred and twenty-two - sixty-three point one and to read as follows:

Providing for transfer from another State to North Carolina of a mentally disordered citizen of North Carolina.

SEC. 122-63.1. Transfer of mentally disordered citizens of North Carolina from another state to North Carolina. A mentally disordered citizen of North Carolina who is confined in a state hospital for the mentally disordered in another state of the United States shall be transferred directly to the proper

State hospital for the mentally disordered in North Carolina after the North Carolina State Board of Charities and Public Welfare has determined the settlement of the said mentally disordered citizen. Commitment of said mentally disordered citizen to the proper State hospital for the mentally disordered proceeds through the usual channels for commitment, except that two physicians not connected with the proper State hospital for the mentally disordered and residing in the county of the said proper hospital may examine the said mentally disordered citizen as to the status of said citizen's mental health. Thereupon the affidavits of said physicians are to be forwarded to the clerk of court in the county in which the said alleged mentally disordered citizen is settled. On the basis of said affidavits the clerk of court may then declare the alleged mentally disordered person committed to the proper State hospital for the usual thirty-day period.

Substituting "mentally disordered" for "insane" in Section 122 - 66.

SEC. 35. That Section one hundred and twenty-two - sixty-six of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in the catch line and in lines four and eight and inserting in lieu thereof the words "mentally disordered."

Amending Section 122 - 67.

SEC. 36. That Section one hundred and twenty-two - sixty-seven of the General Statutes of North Carolina is hereby amended by rewriting the first sentence in said section to read as follows:

Upon the superintendent's certifying the facts (a copy of which certificate shall be sent to the clerk of superior court of county of settlement) the superintendent may discharge or remove from the hospital any person admitted as mentally disordered when such person becomes or is found to be of sound mind, or when such person is incurable and in the opinion of the superintendent his being at large will not be injurious to himself or dangerous to the community, or the superintendent may permit such person to go to the county of his settlement on probation when in the opinion of the superintendent it will not be injurious to himself or dangerous to the community; and the superintendent may discharge or remove such person upon other sufficient causes appearing to him, and whenever any such person admitted as indigent may be so discharged or removed, it shall be the duty of the sheriff of the county of his settlement to convey such person to his county at its expense, and any such person discharged as restored or probated shall receive from such hospital a sum of money sufficient to pay his transportation to the county of his settlement, which sum shall be repaid by said county, and, if necessary, the hospital shall provide the patient with decent clothing.

Substituting "mentally disordered" for "insane" in Section 122 - 67.

That Section one hundred and twenty-two - sixty-seven of the General Statutes of North Carolina is further amended by striking out the word "insane" in lines thirty and thirty-one, thirty-two, thirty-four, thirty-seven and thirty-nine and inserting in lieu thereof the words "mentally disordered."

That Section one hundred and twenty-two - sixty-seven of the General Statutes of North Carolina is further amended by adding at the end thereof the following:

Amending Section 122 - 67.

Whenever a patient of a State hospital is discharged on probation or parole, the discharge shall contain the date on which it became effective. The superintendent of the hospital from which the person has been released on probation or parole shall have authority to revoke such probation or parole at any time, upon such grounds as may to him seem sufficient. When such probation or parole is revoked, the superintendent shall notify the sheriff of the county in which the person released on probation or parole is located, and it shall be the duty of the sheriff to return such person to the hospital from which released.

Amending Section 122 - 68.

SEC. 37. That Section one hundred and twenty-two - sixty-eight of the General Statutes of North Carolina is hereby amended by striking out the following: ", or until the next meeting of the board of three directors provided for in the preceding section."

Amending Section 122 - 68.

That Section one hundred and twenty-two - sixty-eight of the General Statutes of North Carolina is further amended by striking out the last sentence of said section.

Repealing Sections 122 - 69, 122 - 70 and 122 - 71.

SEC. 38. That Sections one hundred and twenty-two - sixty-nine, one hundred and twenty-two - seventy, one hundred and twenty-two - seventy-one of the General Statutes of North Carolina are hereby repealed.

Adding Section 122 - 68.1.

SEC. 39. That Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by adding thereto a new section to follow immediately Section one hundred and twenty-two - sixty-eight to be numbered one hundred and twenty-two - sixty-eight point one and to read as follows:

Requiring Superintendent to notify Commissioner of Mental Health and State Hospitals Board of unusually dangerous mentally disordered patients.

SEC. 122-68.1. Superintendent must notify Commissioner of Mental Health, and State Hospitals Board of Control of unusually dangerous mentally disordered patients. Whenever a person is found by the State hospital psychiatrists to be unusually dangerous to himself or others, the superintendent must notify the Commissioner of Mental Health and the State Hospitals Board of Control. Such a patient cannot be paroled without the agreement of the State Hospitals Board of Control and the Commissioner of Mental Health. If the Commissioner of Mental Health finds that any patient in one of the State hospitals is

unusually dangerous to himself or to others he may place the patient under the rules of this section.

SEC. 40. That Article five of Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by changing the name of said article to the following: Private Hospitals for the Mentally Disordered.

Changing title of Article 5 of Chapter 122 to "Private Hospitals for the Mentally Disordered."

SEC. 41. That Section one hundred and twenty-two - seventy-two of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in line four and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally disordered" for "insane" in Section 122 - 72.

That Section one hundred and twenty-two - seventy-two of the General Statutes of North Carolina is hereby amended by striking out the word "idiots" in line four and inserting in lieu thereof the words "mental defectives."

Substituting "mental defectives" for "idiots" in Section 122 - 72.

SEC. 42. That Section one hundred and twenty-two - seventy-three of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in line three and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally disordered" for "insane" in Section 122 - 73.

That Section one hundred and twenty-two - seventy-three of the General Statutes of North Carolina is further amended by striking out the word "idiots" in line four and inserting in lieu thereof the words "mentally defectives."

Substituting "mentally defectives" for "idiots" in Section 122-73.

SEC. 43. That Section one hundred and twenty-two - seventy-five of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in lines two, five and six, seven, nine, thirteen, sixteen and twenty-one and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally disordered "for "insane" in Section 122 - 75.

That Section one hundred and twenty-two - seventy-five of the General Statutes of North Carolina is further amended by striking out in lines sixteen, seventeen and eighteen the following: with the clerk of the court or justice of the peace who made the examination.

Amending Section 122 - 75.

That Section one hundred and twenty-two - seventy-five is further amended by striking out the words "or justice" in line nineteen.

Amending Section 122 - 75.

SEC. 44. That Section one hundred and twenty-two - seventy-six of the General Statutes of North Carolina is hereby repealed.

Repealing Section 122 - 76.

SEC. 45. That Section one hundred and twenty-two - seventy-seven of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in line three and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally disordered" for "insane" in Section 122 - 77.

Substituting "mentally disordered" for "insane" in Section 122 - 78.

SEC. 46. That Section one hundred and twenty-two - seventy-eight of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in line four and inserting in lieu thereof the words "mentally disordered."

Amending Section 122 - 79.

SEC. 47. That Section one hundred and twenty-two - seventy-nine of the General Statutes of North Carolina is hereby amended by striking out the phrase "in private hospital" in line five and inserting in lieu thereof the phrase "the private hospital to which the person is to be committed."

Amending Section 122 - 79.

That Section one hundred and twenty-two - seventy-nine of the General Statutes of North Carolina is further amended by striking out the phrase "a justice of the peace or" in line eight.

Amending Section 122 - 79.

That Section one hundred and twenty-two - seventy-nine of the General Statutes of North Carolina is further amended by rewriting the third sentence of said section to read as follows:

The clerk may, as he sees fit, order any mentally disordered person to be taken to a private hospital within the State instead of to one of the State hospitals and his warrant shall be sufficient authority for holding such mentally disordered person in such private hospital.

Substituting "mentally disordered" for "insane" in Section 122 - 79.

That Section one hundred and twenty-two - seventy-nine of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in lines ten, twelve, twenty-one, thirty-one and thirty-five and inserting in lieu thereof the words "mentally disordered."

Substituting "mental defectives" for "idiots" in Section 122 - 79.

That Section one hundred and twenty-two - seventy-nine of the General Statutes of North Carolina is hereby amended by striking out the word "idiots," in line thirty-two and inserting in lieu thereof the words "mental defectives."

Adding new Section 122 - 81.1.

SEC. 47½. That Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by adding thereto a new section to follow immediately Section one hundred and twenty-two - eighty-one, to be numbered Section one hundred and twenty-two - eighty-one point one, and to read as follows:

Providing for commitment to private hospital upon patient's application.

SEC. 122-81.1. Commitment upon patient's application to private hospital. Any person believing himself to be of unsound mind or threatened with mental disorder may voluntarily commit himself to a private hospital within the State according to the procedure prescribed under Section one hundred and twenty-two - sixty-two of the General Statutes.

Adding new Section 122 - 82.1.

SEC. 48. That Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by adding thereto a new section to follow immediately Section one hundred

and twenty-two - eighty-two, to be numbered one hundred twenty-two - eighty-two point one and to read as follows:

Requiring Superintendent to notify Clerk when patient is paroled or discharged.

SEC. 122-82.1. Superintendent must notify clerk of court when mentally disordered person is paroled or discharged. Whenever a patient who has been committed to a private hospital is paroled or discharged the committing clerk of court must be notified by the superintendent of the private hospital as provided for in the statutes relating to the State hospitals.

Adding new Section 122 - 82.2.

SEC. 49. That Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by adding thereto a new section to follow Section one hundred and twenty-two - eighty-two, to be numbered one hundred and twenty-two - eighty-two point two and to read as follows:

Requiring Superintendent to notify when patient escapes.

SEC. 122-82.2. Superintendent must notify of escape. Whenever a patient who has been committed to a private hospital escapes from that hospital the committing clerk of court, committing physicians, and the sheriff of the county in which the patient is settled must be notified by the superintendent of the private hospital.

Substituting "patient" for "inmate" in Section 122 - 80.

SEC. 50. That Section one hundred and twenty-two - eighty of the General Statutes of North Carolina is hereby amended by striking out the word "inmate" in line two and inserting in lieu thereof the word "patient."

Substituting "mentally disordered" for "insane" in Section 122 - 80.

That Section one hundred and twenty-two - eighty of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in line eight and inserting in lieu thereof the words "mentally disordered."

Substituting "mental defective" for "idiot" in Section 122 - 80.

That Section one hundred and twenty-two - eighty of the General Statutes of North Carolina is hereby amended by striking out the word "idiot" in line eight and inserting in lieu thereof the words "mental defective."

Substituting "mentally disordered" for "insane" in Section 122 - 81.

SEC. 51. That Section one hundred and twenty-two - eighty-one of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in the catch line and in line three and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally defective" for "idiot" in Section 122 - 81.

That Section one hundred and twenty-two - eighty-one of the General Statutes of North Carolina is further amended by striking out the word "idiot" in line three and inserting in lieu thereof the words "mentally defective."

Changing name of Article 6 of Chapter 122 to "Mentally Disordered Criminals."

SEC. 52. That Article six of Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by changing the title to said article to "Mentally Disordered Criminals."

Substituting "mentally disordered" for "insane" in Section 122 - 83.

SEC. 53. That Section one hundred and twenty-two - eighty-three of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in the catch line and in lines two, four, nine and fifteen and inserting in lieu thereof the words "mentally disordered."

Substituting "mental disorder" for "insanity" in Section 122-84.

SEC. 54. That Section one hundred and twenty-two - eighty-four of the General Statutes of North Carolina is hereby amended by striking out the word "insanity" in the catch line and in line seven and inserting in lieu thereof the words "mental disorder."

Substituting "mentally disordered" for "insane" in Section tion 122 - 85.

SEC. 55. That Section one hundred and twenty-two - eighty-five of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in the catch line and in lines one, four, six and seven and inserting in lieu thereof the words "mentally disordered."

Substituting "mental disorder" for "insanity" in Section 122 - 86.

SEC. 56. That Section one hundred and twenty-two - eighty-six of the General Statutes of North Carolina is hereby amended by striking out the word "insanity" in the catch line and in lines two, twelve and twenty-four and inserting in lieu thereof the words "mental disorder."

Substituting "mentally disordered" for "insane" in Section 122 - 87.

SEC. 57. That Section one hundred and twenty-two - eighty-seven of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in line two and inserting in lieu thereof the words "mentally disordered."

Substituting "tendency" for "mania" in Section 122 - 88.

SEC. 58. That Section one hundred and twenty-two - eighty-eight of the General Statutes of North Carolina is hereby amended by striking out the word "mania" in the catch line and in line eight and inserting in lieu thereof the word "tendency."

Substituting "mentally disordered" for "insane" in Section tion 122 - 88.

That Section one hundred and twenty-two - eighty-eight of the General Statutes of North Carolina is further amended by striking out the word "insane" in lines eight and nine and thirteen and inserting in lieu thereof the words "mentally disordered."

Substituting "mentally disordered" for "insane" in Section 122 - 89.

SEC. 59. That Section one hundred and twenty-two - eighty-nine of the General Statutes of North Carolina is hereby amended by striking out the word "insane" in lines three and four and inserting in lieu thereof the words "mentally disordered."

Adding new Section 122 - 90.1.

SEC. 60. That Chapter one hundred twenty-two of the General Statutes of North Carolina is hereby amended by adding thereto a new section to follow immediately Section one hundred and twenty-two - ninety, to be numbered one hundred and twenty-two - ninety point one and to read as follows:

Providing for alleged criminal to be committed for observation.

SEC. 122-90.1. Alleged criminal may be committed for observation. Any alleged criminal indicted on a felony charge may, on the recommendations of the presiding judge of the superior court, be committed to a State hospital or to some other suitable place for a period of not exceeding thirty days for observation.

Creating Mental Health Council.

SEC. 61. That there is hereby created a Mental Health Council to be composed of the following persons:

Members of Council.

Superintendent of Mental Hygiene.

The Chairman of the North Carolina Hospitals Board of Control.

The Commissioner of Public Welfare.

The Director of the Division of Psychiatric and Psychological Services of the State Board of Public Welfare.

General Business Manager for Institutions.

The State Public Health Officer.

A representative of the North Carolina Clerks of Court Association.

The Superintendent of the North Carolina State Board of Public Instruction.

The Commissioner of Correctional Institutions.

The Psychiatric Advisor on the Advisory Panel of Medical Specialists for the Physical Restoration Program of the Division of Vocational Rehabilitation of the North Carolina State Board of Public Instruction.

A representative of the Medical Society of the State of North Carolina.

A representative of the North Carolina Neuropsychiatric Association.

A representative of the North Carolina Mental Hygiene Society.

A representative of the Department of Psychiatry of each of the four-year medical schools in the State.

The Mental Health Council shall choose its own Chairman.

Functions of Council.

The function of the Mental Health Council shall be to consider ways and means to promote mental health in North Carolina and to study needs for new legislation pertaining to mental health of the citizens of the State.

Meetings.

The Council shall meet at least twice a year and shall file an annual report with the Governor.

Not State Officers.

The members of the Mental Health Council shall not be considered as State officers within the meaning of Article XIV, Section seven of the North Carolina Constitution.

Conflicting laws repealed.

SEC. 62. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 63. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. B. 328 **CHAPTER 953**

AN ACT TO PLACE ROANOKE ISLAND HISTORICAL ASSOCIATION, INCORPORATED UNDER THE PATRONAGE AND CONTROL OF THE STATE.

WHEREAS, Roanoke Island Historical Association, Incorporated a nonprofit organization incorporated under the laws of North Carolina, is an organization formed for the purpose of preserving historical relics, memorials, scenes and places incident to or connected with the First Colony founded in the New World on Roanoke Island, and in commemorating the historical events having their setting in that section of the State; and

WHEREAS, Roanoke Island is the site of the first English Colony in the New World, the birth place of the first child of English parents in America and the scene of the first religious sacrement by English speaking people in the New World; and

WHEREAS, Roanoke Island Historical Association, Incorporated has produced every summer, beginning in one thousand nine hundred and thirty-seven, Paul Green's The Lost Colony, an historical drama which has brought hundreds of thousands of visitors to the State and has advertised North Carolina and its early history to the nation and to the world; and

WHEREAS, this drama and the events it commemorates are of State-wide and not merely of local significance; and

WHEREAS, the State has committed to a policy of advertising its advantages, attractions and resources to other states of the nation and throughout the world; and

WHEREAS, the plan and purpose of the said organization are distinctly educational, particular emphasis being given to the early history of the State; and

WHEREAS, the continued preservation of The Lost Colony and the continued activities of Roanoke Island Historical Association, Incorporated will effectively serve to create and preserve among the people of the State a justifiable pride in their history and will thereby serve a worthy and important State as well as national purpose; and

WHEREAS, it is desired by the members of Roanoke Island Historical Association, Incorporated that the organization be placed under the patronage and control of the State to the end that its permanency may be assured: Now, therefore,

The General Assembly of North Carolina do enact:

Placing Roanoke Island Historical Association under patronage and control of the State.

SECTION 1. That Roanoke Island Historical Association, Incorporated be and it is hereby permanently placed under the patronage and control of the State.

Naming Board of Directors, 3 ex officio and 21 other members.

SEC. 2. That the governing body of said association shall be a board of directors consisting of the Governor of the State, the Attorney General and the Director of the State Department of Archives and History as ex officio members, and the following twenty-one members: J. Spencer Love, Greensboro; Miles Clark, Elizabeth City; Mrs. Richard J. Reynolds, Winston-Salem; D. Hiden Ramsey, Asheville; Mrs. Charles A. Cannon, Concord; Dr. Fred Hanes, Durham; Mrs. Frank P. Graham, Chapel Hill; Bishop Thomas C. Darst, Wilmington; W. Dorsey Pruden, Edenton; John A. Buchanan, Durham; William B. Rodman, Jr., Washington; J. Melville Broughton, Raleigh; Melvin R. Daniels, Manteo; Paul Green, Chapel Hill; Samuel Selden, Chapel Hill; R. Bruce Etheridge, Manteo; Theodore S. Meekins, Manteo; Roy L. Davis, Manteo; M. K. Fearing, Manteo; A. R. Newsome, Chapel Hill. The members of said board of directors herein named other than the ex officio members, shall serve for a term of two years and until their successors are appointed. Appointments thereafter shall be made by the membership of the association in regular annual meeting or special meeting called for such purpose, and in the event the association through its membership should fail to make such appointments, then the appointments shall be made by the Governor of the State. Vacancies occurring on the board of directors shall be filled by the Governor of the State.

Providing for organization of Board of Directors.

SEC. 3. That the said board of directors when organized under the terms of this Act shall have authority to adopt bylaws for the organization and said bylaws shall thereafter be subject to change only by three fifths vote of a quorum of said board of directors; that the board of directors shall choose from its membership or from the membership of the association a chairman, a vice chairman, a secretary and a treasurer, which offices in the discretion of the board may be combined in one, and

also a historian and a general counsel. The board also in its discretion may choose one or more honorary vice chairmen.

To be classified as an educational and charitable association.

SEC. 4. The said association is and shall be an educational and charitable association within the meaning of the laws of the State of North Carolina, and the property and income of such association, real and personal, shall be exempt from all taxation. The said association is authorized and empowered to receive gifts and donations and administer the same for the charitable and educational purposes for which the association is formed and in keeping with the will of the donors, and such gifts and donations to the extent permitted by law shall be exempted from the purpose of income taxes and gift taxes.

Directing State Auditor to make annual audits and report to General Assembly.

SEC. 5. That it shall be the duty of the State Auditor to make an annual audit of the accounts of the association and make a report thereof to the General Assembly at each of its regular sessions.

The Lost Colony.

SEC. 6. WHEREAS, the principal if not the only regular source of revenue of the association is derived from the production of the pageant known and designated as The Lost Colony, which production has been suspended since one thousand nine hundred and forty-one by reason of war conditions; and

Authorizing $10,000.00 per year from Contingency and Emergency Fund.

WHEREAS, the association in order to resume such production may need financial assistance from the State for such purpose, the Governor and Council of State, in the event such State aid is reasonably necessary for the restoration and production of said pageant, are authoried and empowered to allot a sum not exceeding ten thousand dollars ($10,000.00) a year from the Contingency and Emergency Fund to aid in the restoration and production of said pageant, such allotment, however, to be made only upon evidence submitted to the Governor and Council of State by the association that during the immediately preceding season of production because of inclement weather or other circumstances or factors beyond the control of the association, the said Lost Colony was operated at a deficit.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. B. 399 **CHAPTER 954**

AN ACT TO AMEND SECTION EIGHTEEN - THIRTY-NINE (SUBSECTION N) OF THE GENERAL STATUTES RELATING TO THE POWERS OF THE STATE BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina do enact:

Amending law relating to State ABC Board.

SECTION 1. Section eighteen - thirty-nine (Subsection N) of the General Statutes is hereby amended by inserting between the words "control" and "authorized" in line nine, the words "and others."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. B. 400 **CHAPTER 955**

AN ACT TO AMEND THE MACHINERY ACT, THE SAME BEING CHAPTER THREE HUNDRED TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED AND SUPPLEMENTED, AND THE SAME BEING SUBCHAPTER II OF CHAPTER ONE HUNDRED AND FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA, SO AS TO REQUIRE THE STATE BOARD OF ASSESSMENT TO FURNISH COUNTY TAX SUPERVISORS AND BOARD OF COMMISSIONERS WITH INFORMATION TO AID IN THE ADEQUATE LISTING AND ASSESSNG OF PROPERTY, AND AUTHORIZING AN ALLOTMENT OF FUNDS THEREFOR.

The General Assembly of North Carolina do enact:

Amending Machinery Act relative to having State Board of Assessments to furnish certain information to County Tax Supervisors and County Commissioners.

SECTION 1. That Section two hundred and three of Chapter three hundred ten of the Public Laws of one thousand nine hundred and thirty-nine, as amended and supplemented, and the same being Section one hundred and five - two hundred and seventy-six of the General Statutes of North Carolina, be, and the same is hereby amended by striking out the first paragraph of Subsection (6) and inserting in lieu thereof the following:

(6) The board shall make available personally to the tax supervisors or county board of commissioners any information contained in any report to said State board, or in any report to the Department of Revenue or other State department to which

said State board may have access, or any other information which said State board may have in its possession which may assist said supervisors or commissioners in securing an adequate listing of property for taxation or in assessing taxable property.

SEC. 2. To enable the State Board of Assessment to carry out the duties imposed by this Act in the current year and in the biennium of one thousand nine hundred and forty-five to one thousand nine hundred and forty-seven the Governor is hereby authorized to allot from the Cotingency and Emergency Fund such amount for each year as the Advisory Budget Commission may determine to be needed for the necessary equipment and clerical assistance, such an amount not to exceed two thousand dollars ($2,000.00) per year.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. B. 408 CHAPTER 956

AN ACT TO PRESCRIBE THE MOTOR VEHICLE REGISTRATION FEES FOR TRAILERS ATTACHED TO VEHICLES LICENSED FOR NOT MORE THAN FOUR THOUSAND POUNDS GROSS WEIGHT.

The General Assembly of North Carolina do enact:

Amending law relating to registration fees for motor vehicles.

SECTION 1. That Subsection (c) of Section twenty - eighty-eight of the General Statutes be amended by inserting in line six of said subsection, immediately after the word "by," the following: "a vehicle licensed by the commissioner for not more than four thousand (4,000) pounds gross weight or."

SEC. 2. That Subsection (c) of Section twenty - eighty-eight of the General Statutes be further amended by inserting in line twelve, immediately after the word "by," the following: "a vehicle licensed by the commissioner for not more than four thousand (4,000) pounds gross weight or."

SEC. 3. That Section twenty - fifty of the General Statutes be amended by inserting at the end of line sixteen thereof, after the word "by," the following: "a vehicle licensed by the commissioner for not more than four thousand (4,000) pounds gross weight or."

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after April first, one thousand nine hundred forty-five. Effective April 1, 1945.

Ratified this the 20th day of March, 1945.

S. B. 423 **CHAPTER 957**

AN ACT TO AUTHORIZE THE BOARDS OF COMMISSIONERS OF PITT COUNTY AND WASHINGTON COUNTY TO EMPLOY SERVICE OFFICERS TO AID ACTIVE AND DISCHARGED MEMBERS OF THE UNITED STATES ARMED SERVICES AND THE MEMBERS OF THEIR FAMILIES IN PRESENTING CLAIMS FOR BENEFITS.

The General Assembly of North Carolina do enact:

SECTION 1. The Boards of County Commissioners of Pitt County and Washington County are hereby authorized and empowered to employ a county veterans service officer in each of the respective counties and pay them such salary as the board of each county may consider just and fair and to furnish them the necessary office space, assistants, supplies, and equipment to enable them to perform efficiently the duties of their employment. In selecting said service officers and other personnel, preference shall be given to applicants who are veterans of World Wars I and II. Authorizing Pitt and Washington Counties to employ a Veterans Service Officer for each respective County.

SEC. 2. The County Commissioners of Pitt County and Washington County are hereby authorized and empowered to make and promulgate all rules and regulations governing the duties of said service officers and assistants and the operation of the office herein provided for as they may deem necessary to cooperate with the State and Federal governments in all matters relating to benefits for active and discharged members of the United States Armed Services and their families, in their respective counties. To issue regulations for proposed work.

SEC. 3. It shall be the duty of the Veterans Service Officers of Pitt County and Washington County to: Duties of Service Officer.

(1) Acquaint himself or herself with the laws, Federal, State and local, enacted for the benefit of members of the armed forces, their families and dependents.

(2) Collect data and information as to facilities and services available to such persons with regard to education, health and medical care, rehabilitation, housing, employment and all other matters of a similar nature.

(3) Assist veterans, their families and dependents in the presentation of proof and establishment of claims for any benefits they may have under Federal, State or local laws.

To serve as Notary.

(4) Perform such additional duties as the County Commissioners of Pitt County and Washington County may direct.

SEC. 4. The Pitt County and Washington County Veterans Service Officers shall each have a seal of office and shall be authorized to take acknowledgments, administer oaths, affirmations, execute depositions and affidavits, and perform other notarial acts necessary to carry out the provisions of this Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. B. 439 **CHAPTER 958**

AN ACT TO EXEMPT STANLY COUNTY FROM THE STATE-WIDE PRIMARY LAW AS TO MEMBERS OF THE GENERAL ASSEMBLY, COUNTY AND TOWNSHIP OFFICES, AND TO PROVIDE FOR FIVE COUNTY COMMISSIONERS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Exempting Stanley County from State Primary Law in nominating county and township officers and members of General Assembly.

SECTION 1. That Section one hundred and sixty-three - one hundred and twenty-nine of the General Statutes of North Carolina be amended by adding at the end thereof the following:

This section shall not apply to Stanly County.

Providing for 5 County Commissioners.

SEC. 2. There shall be elected in Stanly County at the general election to be held in the year one thousand nine hundred and forty-six, and every two years thereafter, by the duly qualified voters thereof, five persons to be chosen from the body of the county, who shall be styled "The Board of Commissioners for the County of Stanly," and shall hold their office for two years from date of their qualification and until their successors are elected and qualified.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 56 CHAPTER 959

AN ACT TO AUTHORIZE THE GOVERNING BODIES OF THE TOWNS OF WALLACE AND FAISON IN DUPLIN COUNTY TO REFUSE TO ISSUE LICENSES FOR THE SALE OF BEER AND/OR WINE THEREIN IN THEIR DISCRETION.

The General Assembly of North Carolina do enact:

Authorizing Faison and Wallace to refuse to issue wine licenses.

SECTION 1. That the governing bodies of the Towns of Wallace and Faison, in Duplin County, are hereby authorized and empowered to refuse to issue to any applicant a license to sell wine within the Towns of Wallace and Faison. This section shall apply to both "on premises" and "off premises" licenses.

Applies only to Faison and Wallace.

SEC. 2. That this Act shall apply only to the Towns of Wallace and Faison, in Duplin County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 87 CHAPTER 960

AN ACT TO PROHIBIT THE SALE OF WINE AND BEER IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Ashe County to regulate or prohibit sale of wine, except in municipalities' action by governing body thereof necessary.

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Ashe County shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said county, except that it may not prohibit the sale of wine in any municipality of said county unless the governing body adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality.

Authorizing municipalities in Ashe County to regulate or prohibit sale of wine.

SEC. 2. The governing body of any municipality in Ashe County, from and after the effective date of this Act shall have full power and authority, by resolution adopted, to regulate or prohibit the sale of wine within the corporate limits of its municipality.

Authorizing regulations.

SEC. 3. The Board of County Commissioners of Ashe County and/or the governing body of any municipality of said county may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which

license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 175 CHAPTER 961

AN ACT TO REGULATE THE ISSUANCE OF LICENSES FOR THE SALE OF WINE AND BEER IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Swain County and municipalities to decline, in their discretion, to issue wine licenses.

SECTION 1. That the Board of County Commissioners of Swain County and the governing authority of any city, town, or municipality in Swain County, may, in their discretion, decline to issue any licenses authorized under the provisions of Chapter eighteen of the General Statutes of North Carolina for the sale of wine.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. B. 233 **CHAPTER 962**

AN ACT TO AUTHORIZE COUNTIES AND MUNICIPAL CORPORATIONS TO EXECUTE CONVEYANCES WITH COVENANTS OF WARRANTY AND TO RELIEVE THE MEMBERS OF GOVERNING BODIES OF SAID COUNTIES AND MUNICIPAL CORPORATIONS FROM INDIVIDUAL LIABILITY BY REASON OF THE EXECUTION OF SUCH CONVEYANCES.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing bodies of counties and municipal corporations are hereby authorized and empowered to execute and deliver conveyances to any property, whether acquired by tax or assessment foreclosure or otherwise, with full covenants of warranty whenever in the discretion of said governing bodies it is to the best interest of said counties or municipal corporations to convey by warranty deed.

Authorizing counties and municipalities to execute warranty deeds.

SEC. 2. That members of the governing bodies of counties and municipal corporations are hereby relieved of any personal or individual liability by reason of the execution of any such conveyances with covenants of warranty.

Members of governing bodies relieved from personal liability in such instances.

SEC. 3. That this Act shall apply only to Wake County and the municipal corporations therein, Forsyth County and the municipal corporations therein, Rowan County and the municipal corporations therein, and to the following named counties and the municipal corporations therein, to-wit: Wayne, Lenoir, Beaufort, New Hanover, Union, Franklin, Bertie, Bladen, Pender, Orange, Wilson, Richmond, Davidson, Halifax, Gates, Nash, Edgecombe.

Applies only to following counties and municipalities therein: Wake, Forsyth, Rowan, Wayne, Lenoir, Beaufort, New Hanover, Union, Franklin, Bertie, Bladen, Pender, Orange, Wilson, Richmond, Davidson, Halifax, Gates, Nash and Edgecombe.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 258 **CHAPTER 963**

AN ACT TO AUTHORIZE THE TOWN OF SANFORD, NORTH CAROLINA, TO REGULATE THE SALE OF WINE WITHIN THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Aldermen of the Town of Sanford is hereby authorized and empowered to regulate the sale of the beverage defined and classified in the General State Revenue and Alcoholic Control laws as "Wine" and "Fortified Wine."

Authorizing Sanford to regulate sale of wine.

What regulating might embrace.

SEC. 2. That said authority to regulate shall embrace the power to restrict the issuance or renewal of license, the place where, and between what hours wine may be sold, to pass upon the character of any applicant for license, the kind of license to be issued, if any, and to generally prescribe by ordinance all matters and things dealing with the sale of wine within the corporate limits of the Town of Sanford.

Prohibiting State and County licenses except to to those licensed by municipality.

SEC. 3. No State or county license shall be granted or renewed to any applicant for license doing business within the corporate limits of the Town of Sanford until license has been issued to said applicant by the Town of Sanford.

Same powers granted to Jonesboro and to Lee County.

SEC. 3½. The same powers granted the Board of Aldermen of the Town of Sanford under Sections one and two, are also hereby granted to the Board of County Commissioners of Lee County with respect to all portions of the county not embraced within incorporated towns, and to the Board of Aldermen of the Town of Jonesboro with respect to the territory embraced within the corporate limits of said Town of Jonesboro.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict herewith, are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 277 CHAPTER 964

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF WARSAW IN DUPLIN COUNTY TO REFUSE TO ISSUE LICENSES FOR THE SALE OF BEER AND/OR WINE THEREIN IN ITS DISCRETION.

The General Assembly of North Carolina do enact:

Authorizing Warsaw to refuse to issue wine licenses.

SECTION 1. That the governing body of the Town of Warsaw, in Duplin County, is hereby authorized and empowered to refuse to issue to any applicant a license to sell wine within the Town of Warsaw. This section shall apply to both "on premises" and "off premises" licenses.

Applies only to Warsaw.

SEC. 2. That this Act shall apply only to the Town of Warsaw, in Duplin County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 309 CHAPTER 965

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF ROSE HILL IN DUPLIN COUNTY TO REFUSE TO ISSUE LICENSES FOR THE SALE OF BEER AND/OR WINE THEREIN IN ITS DISCRETION.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the Town of Rose Hill, in Duplin County, is hereby authorized and empowered to refuse to issue to any applicant a license to sell wine within the Town of Rose Hill. This section shall apply to both "on premises" and "off premises" licenses.

Authorizing Rose Hill to refuse to issue wine licenses.

SEC. 2. That this Act shall apply only to the Town of Rose Hill, in Duplin County.

Applies only to Rose Hill.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 407 CHAPTER 966

AN ACT TO PROHIBIT THE SALE OF BEER OR WINE WITHIN CERTAIN ESTABLISHMENTS IN THE CHINQUAPIN COMMUNITY OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to sell or possess for sale any beer, ale or wine within one half mile of the Chinquapin Public School or within one half mile of the Chinquapin Presbyterian Church or the Chinquapin Missionary Baptist Church in Duplin County. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Prohibiting sale of beer or wine within one half mile of Chinquapin Public School, Chinquapin Presbyterian Church or Chinquapin Missionary Baptist Church in Duplin County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 452 CHAPTER 967

AN ACT TO REWRITE SECTION ONE HUNDRED AND FORTY-EIGHT - SEVENTY-NINE OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE TAKING OF FINGERPRINTS OF PERSONS CHARGED WITH CRIME.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one hundred and forty-eight - seventy-nine of the General Statutes of North Carolina by adding the following at the end thereof:

Amending law relating to taking fingerprints of persons charged with crime.

No officer, however, shall take the photograph of a person arrested and charged or convicted of a misdemeanor unless such person is a fugitive from justice, or unless such person is, at the time of arrest, in the possession of goods or property reasonably believed by such officer to have been stolen, or unless the officer has reasonable grounds to believe that such person is wanted by the Federal Bureau of Investigation, or the State Bureau of Investigation, or some other law enforcing officer or agency.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 478 CHAPTER 968

AN ACT AMENDING SECTION ONE HUNDRED AND FIVE - ONE HUNDRED AND FIFTY AND SECTION ONE HUNDRED AND FIVE - THREE HUNDRED AND FORTY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA EXEMPTING COMPENSATION OF VETERANS FROM INCOME TAX APPLICABLE TO VETERANS OF WORLD WAR TWO.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and five - one hundred and fifty of the General Statutes of North Carolina is hereby amended by adding at the end thereof, the following:

Extending benefits of Section 105 - 150 to veterans of Second World War.

The benefits of this section are hereby extended to and include those coming within the provisions of said section serving at any time between December seventh, one thousand nine hundred and forty-one and the termination of World War Two.

SEC. 2. Section one hundred and five - three hundred and forty-four of the General Statutes is hereby amended by adding at the end thereof, the following:

The benefits of this section are hereby extended to and include those coming within the provisions of said section serving at any time between December seventh, one thousand nine hundred and forty-one and the termination of World War Two.

Extending benefits of Section 105 - 344 to veterans of Second World War.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 527 CHAPTER 969

AN ACT TO PROHIBIT THE SALE OF WINE AND BEER IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Sampson County shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said county, except that it may not prohibit the sale of wine in any municipality of said county unless the governing body adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality.

Authorizing Sampson County to regulate or prohibit sale of wine, except within municipalities action of the governing body of the same is necessary.

SEC. 2. The governing body of any municipality in Sampson County, from and after the effective date of this Act shall have full power and authority, by resolution adopted, to regulate or prohibit the sale of wine within the corporate limits of its municipality.

Authorizing municipalities in Sampson County to regulate or prohibit sale of wine.

SEC. 3. The Board of County Commissioners of Sampson County and/or the governing body of any municipality of said county may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Authorizing regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Effective date of regulations.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted by the Board of Commissioners of Sampson County or the governing body of any municipality therein, pursuant to the authority prescribed herein, shall be guilty of a misdeameanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 557 CHAPTER 970

AN ACT TO AMEND THE SCHOOL MACHINERY ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AND OTHER PARTS OF THE SCHOOL LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and fifteen - sixty-five of the General Statutes, with reference to the establishment of kindergartens, be, and the same hereby is, amended by adding at the end of said section the following:

Amending law relating to kindergartens.

Such kindergarten schools as may be established under the provisions of this section, or established in any other manner, shall be subject to the supervision of the State Department of Public Instruction and shall be operated in accordance with standards to be provided by the State Board of Education.

Amending Section 115 - 91 regarding equipment for school buildings.

SEC. 2. That Section one hundred and fifteen - ninety-one of the General Statutes, with reference to equipment for school buildings, be, and the same hereby is, amended by stricking out the words "standard high schools" and substituting in lieu thereof the words "public schools."

Amending Section 115 - 341 regarding compensation for medical and funeral expenses of children injured by school buses.

SEC. 3. That Section one hundred and fifteen - three hundred and forty-one of the General Statutes, with reference to compensation for medical and funeral expenses of children injured by school buses, be, and the same hereby is, amended by adding after the words "to and from the public schools of the State" the following: or from the operation of said bus on the school grounds or in transporting children to and from the public schools of the State.

Amending Section 115 - 352 relating to school organization.

SEC. 4. That Section one hundred and fifteen - three hundred and fifty-two of the General Statutes, with reference to school organization, be, and the same hereby is, amended by adding after

the words "as are county administrative units" in the third paragraph of said section, the following:

Provided, that the State Board of Education may, in its discretion, alter the boundaries of any city administrative unit when in the opinion of the State Board of Education such change is desirable for better school administration.

Amending Section 115 - 354 relating to termination of teaching contracts.

SEC. 5. That Section one hundred and fifteen - three hundred and fifty-four of the General Statutes, with reference to the termination of teaching contracts, be, and the same hereby is, amended by striking out in the last sentence of said section the words "within ten days after the close of school" and substituting in lieu thereof the words "within ten days after notice of reelection."

Amending Section 115 - 355, relating to allotments of teachers.

SEC. 6. That Section one hundred and fifteen - three hundred and fifty-five of the General Statutes, with reference to the allotment of teachers, be, and the same hereby is, amended by striking out the words "preceding year during which continuous six months period the average daily attendance was highest" and substituting in lieu thereof the words "first seven months of the preceding year during which continuous six months period the average daily attendance was highest."

Amending Section 115 - 359, relating to Summer School attendance.

SEC. 7. That Section one hundred and fifteen - three hundred and fifty-nine of the General Statutes, referring to summer school attendance, be, and the same hereby is, amended by striking out the words "one thousand nine hundred and forty-three and one thousand nine hundred and forty-four" and substituting in leiu thereof the words "one thousand nine hundred and forty-five and one thousand nine hundred and forty-six."

Rewriting first paragraph of Section 115 - 366.

SEC. 8. That Section one hundred and fifteen - three hundred and sixty-six of the General Statutes be, and the same hereby is, amended by rewriting the first paragraph thereof so as to read as follows:

The State Board of Education shall, in its discretion, determine what State and local employees shall be required to give bonds for the protection of State schol funds and for the faithful discharge of their duties; and, in cases in which bonds are required, the State Board of Education is authorized to place the same and pay the premiums thereon.

Amending Section 115 - 381, relating to lunch rooms.

SEC. 9. That Section one hundred and fifteen - three hundred and eighty-one of the General Statutes, with reference to lunch rooms, be, and the same hereby is, amended by adding at the end of said section the following: All lunch rooms and cafeterias operated under the provisions of this section shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation shall be used for the purpose of reducing the cost of meals served therein, and for no other purpose.

Amending Section 115 - 370 by adding new paragraph.

SEC. 10. That Section one hundred and fifteen - three hundred and seventy of the General Statutes be, and the same hereby is, amended by adding at the end of the section the following:

No deductions shall be made from salaries of teachers of vocational agriculture and home economics whose salaries are paid in part from State and Federal vocational funds, while in attendance upon community, county and State meetings, called for specific purpose of promoting the agricultural interest of North Carolina, when such attendance is approved by the county superintendents of public instruction or the State Director of Vocational Education.

Amending Section 115 - 370, relating to Workmen's Compensation and sick leave.

SEC. 11. That Section one hundred and fifteen - three hundred and seventy of the General Statutes, with reference to Workmen's Compensation and sick leave, be, and the same hereby is, amended by inserting the following sentence after the sentence which ends "whether all of said compensation for the nine months school term is paid from State funds or in part supplemented by local funds":

The State shall also be liable for Workmen's Compensation for all school employees employed in connection with the teaching of vocational agriculture, home economics, trades and industries, and other vocational subjects, supported in part by State and Federal funds, which liability shall cover the entire period of service of such employees.

Amending Section 115 - 372, relating to purchase of equipment and supplies.

SEC. 12. That Section one hundred and fifteen - three hundred and seventy-two of the General Statutes, with reference to purchase of equipment and supplies be, and the same hereby is, amended by striking out the colon after the word "contract" in line six, adding a period, and then inserting between the words "contract" and "provided" the following:

Title to instruction supplies, office supplies, fuel, and janitorial supplies, enumerated under Subsections one, two, and three of Section one hundred and fifteen - three hundred and fifty-six, purchased out of State funds, shall be taken in the name of the county board of education and/or city board of trustees, which shall be responsible for the custody and replacement. Title to all buses, bus maintenance equipment, and materials and supplies used in the maintenance and operation of the school transportation system, enumerated in Subsection four of Section one hundred and fifteen - three hundred and fifty-six, purchased out of State funds, shall be taken in the name of the State Board of Education and held by the county board of education for the use and benefit and subject to the direction of the State Board of Education.

Amending Section 115 - 296, relating to rentals paid to State Treasury.

SEC. 13. That Section one hundred and fifteen - two hundred and ninety-six of the General Statutes, with reference to "rentals paid to State Treasury; disinfecting books," be, and the same hereby is, amended by substituting for the second paragraph of said section the following provision:

The Govenor, with the approval of the Council of State, may, upon request and certification of the State Board of Education that surplus funds in the State Textbook Rental Fund herein provided for are not needed for the purchase of rental textbooks, transfer so much of said surplus to the General Fund of the State to be used for the purchase of free textbooks and operating expenses as, in their judgment, may be necessary for the operation of the free textbook system now provided by law: *Provided,* any funds used for the free textbook system shall be the funds advanced to the State Board of Education for the operation of the rental system as outlined in Chapter four hundred and twenty-two, Public Laws of one thousand nine hundred and thirty-five, but payments made from the rental fund for the free textbook system shall not be in excess of the amount advanced under Chapter four hundred and twenty-two.

All other revenues of the textbook rental system shall be used exclusively for providing textbooks, library books, and other instructional materials to the pupils that pay the rental fees, and to pay such expenses as are necessary in the operation of the rental system.

Amending Section 115 - 355, relating to organization statement and allotment of teachers.

SEC. 14. That Section one hundred and fifteen -three hundred and fifty-five of the General Statutes, with reference to organization statement and allotment of teachers, be, and the same hereby is, amended by eliminating the following provision:

"*Provided, further,* that for the duration of the present war and for the first school term thereafter, it shall be the duty of the State Board of Education to provide any union school, that is, a school embracing both elementary and high school grades, in the State of North Carolina, having four high school teachers or less, not less than the same number of teachers as were allotted to said school for the school year of one thousand nine hundred and forty-two - one thousand nine hundred and forty-three."

There shall be substituted for the above quoted provision the provision as follows:

Provided, further, that for the duration of the present war and for the first school term thereafter, it shall be the duty of the State Board of Education to provide any school in the State of North Carolina having four high school teachers or less and/or four elementary teachers or less not less than the same number of teachers as were allotted to said school for the school year

of one thousand nine hundred and forty-four - one thousand nine hundred and forty-five.

Provided further that in cases where there are less than twenty (20) pupils per teacher in any school a reduction in the number of teachers may be made.

Amending Section 115 - 376, relating to transportation of school children.

SEC. 15. That Section one hundred and fifteen - three hundred and seventy-six be, and the same hereby is, amended by substituting a colon for the period after the word "eliminated" in line sixteen and by adding the following words: *Provided, further,* that no children shall be transported except to the school to which said child is assigned by the county board of education, or by the State Board of Education under the provisions of Section one hundred and fifteen - three hundred and fifty-two.

Conflicting laws repealed.

SEC. 16. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 17. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 569 CHAPTER 971

AN ACT TO PROHIBIT DRUNKENNESS ON THE CAMPUS OF BREVARD COLLEGE.

The General Assembly of North Carolina do enact:

Prohibiting drunkenness on campus of Brevard College.

SECTION 1. It shall be unlawful for ony person to be drunk or in an intoxicated condition upon the campus of Brevard College or upon the campus held in trust by any trustee or Board of Trustees for Brevard College, in Transylvania County.

Violation constitutes misdemeanor.

SEC. 2. Any person or persons convicted of the violation hereof shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00), or imprisoned not exceeding thirty days.

Conflicting laws repealed.

SEC. 3. All laws and clauses of law in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 713 CHAPTER 972

AN ACT RELATING TO THE PRINTING OF THE NAMES OF CANDIDATES ON ELECTION BALLOTS.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and sixty-three - one hundred and fifty-one of the General Statutes is hereby amended by adding at the end thereof, the following:

Amending law relating to printing names of candidates on ballots, prohibiting use of titles such as Doctor, Rev., etc.

Provided that in printing the names of candidates on all primary or general election ballots, only the name of the candidate shall appear and no appendage such as doctor, reverend, judge, et cetera, may be used either before or following the name of any candidate.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act here hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 731 CHAPTER 973

AN ACT TO AMEND SECTION ONE HUNDRED AND FIVE - TWO HUNDRED AND EIGHTY OF THE GENERAL STATUTES AS TO THE ASSESSMENT OF REAL PROPERTY ACQUIRED AFTER JANUARY FIRST AND PRIOR TO JULY FIRST, FROM A NONTAXABLE OWNER.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one hundred and five - two hundred and eighty of the General Statutes be, and the same is hereby, amended by adding at the end of said section, the following:

Amending law relative to assessment of real property acquired after January 1 and prior to July 1, from a nontaxable owner.

Whenever any real property is acquired after January first, and prior to July first, which property was not required to be listed for taxation on the first day of January on account of the nontaxable character of the ownership of the same, such property shall be listed for taxation by the purchaser as of the time of purchase and shall be taxed for the fiscal year of the taxing unit beginning on July first of the year in which such real property is acquired.

Such property shall be assessed for taxation by the county tax supervisor after ten days notice sent by registered mail to the person in whose name such property is listed. The person in whose name such property is listed for taxation shall have the

right to appeal to the board of county commissioners as to the valuation of said property in the event he is dissatisfied with the valuation placed thereon by the county tax supervisor within ten days after notice by mail of same, and the county board of commissioners shall have the authority given to it as a county board of equalization and, in determining and fixing the valuation of said property, the right of appeal therefrom by the taxpayer of the county shall be the same as provided for listings made on the regular date.

In the event such property is acquired from any governmental unit which by contract is paying to the taxing unit payments in lieu of taxes for the fiscal period ending on the thirtieth day of June of the year in which such property is acquired, the tax on such property so acquired shall be one half of the amount of the tax on such property as it would have been if regularly listed for taxation as of ownership on the first day of January.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 732 CHAPTER 974

AN ACT TO PROHIBIT THE SALE OF SUBSTANDARD, IMITATION AND SYNTHETIC WINE IN NORTH CAROLINA AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

The General Assembly of North Carolina do enact:

Prohibiting sale of substandard or synthetic wine.

SECTION 1. From and after the effective date of this Act, it shall be unlawful for any retail wine licensee in the State of North Carolina to have in his possession, to sell, or offer for sale any imitation, substandard, or synthetic wine.

Violation constitutes misdemeanor.

SEC. 2. Violation of the provisions of this Act shall constitute a misdemeanor and be punishable by a fine or imprisonment in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective after July 1, 1945.

SEC. 4. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 20th day of March, 1945.

H. B. 737 **CHAPTER 975**

AN ACT TO AID IN THE DEVELOPMENT OF THE TOWN OF CAROLINA BEACH.

The General Assembly of North Carolina do enact:

Authorizing special tax to raise money to publicize Carolina Beach.

SECTION 1. That the Mayor and Board of Aldermen of the Town of Carolina Beach may, subject to the limitations hereinafter set forth, annually levy a sum not in excess of two cents (2c) on each one hundred dollars ($100.00) valuation of all real and personal property taxable in said town, which said funds shall be used and expended under the direction and control of the mayor and board of aldermen under such rules and regulations as said governing body shall prescribe, for the purpose of aiding in the development of said town by means of advertising and for such other purposes as will in the discretion of the mayor and board of aldermen of said town increase the population, taxable property, and industrial and business development of said town.

Subject to referendum.

SEC. 2. That the Town of Carolina Beach shall not raise or appropriate money under this Act unless and until this Act shall have been approved by a majority of the qualified voters of the Town of Carolina Beach, at an election as provided in this Act.

Procedure and regulations for proposed referendum.

SEC. 3. The Mayor and Board of Aldermen of the Town of Carolina Beach may at any time by ordinance call a special election for the purpose of submitting the question of the approval of this Act to the voters thereof. In said ordinance said mayor and board of aldermen shall specify the time of holding the election, and determine and set forth whether or not there shall be a new registration of voters for such election. Notice of the registration of the voters and of the election shall be given. The voters shall be registered, the election shall be held, the returns shall be canvassed, and the results shall be determined, declared and published under and pursuant to the provisions of Section one hundred and sixty - three hundred and eighty-seven of the General Statutes, and the Act known as the Municipal Finance Act, and as therein provided for an election upon a bond ordinance providing for the issuance of bonds for purposes other than the payment of necessary expenses of a municipality. A ballot or ballots shall be furnished to each qualified voter at said election. The ballots for those who vote in favor of this Act shall contain the words: "For the Act to Aid in the Development of the Town of Carolina Beach, by means of advertising, and for such other purposes as will in the considered opinion of the mayor and board of aldermen of said town increase the population, taxable property and industrial and business prospects of said town"; and the ballots for those who vote against this Act shall contain the words: "Against the Act to Aid in the Development of the Town of Carolina Beach, by means of advertising,

and for such other purposes as will in the considered opinion of the mayor and board of aldermen of said town increase the population, taxable property and industrial and business prospects of said town," except as otherwise provided in said Section one hundred and sixty - three hundred and eighty-seven of the General Statutes, and the Act known as the Municipal Finance Act, the registration and election shall be conducted in accordance with Article three, Chapter one hundred and sixty of the General Statutes.

Barring actions after 60 days following publication of results of proposed election.

SEC. 4. No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity of the election be questioned in any court upon any ground whatever, except in an action or proceeding commenced within sixty days from the publication of the statement showing the result of the election.

Proposed special levy restricted to 4 years.

SEC. 5. If and when this Act shall have been approved by the qualified voters of the Town of Carolina Beach, then and thereafter the governing body of said town may, annually, for a period not exceeding four years following the ratification of this Act, raise by taxation and appropriate money within the limits and for the purposes specified in this Act.

Constitutionality.

SEC. 6. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 758 CHAPTER 976

AN ACT TO REIMBURSE K. CLYDE COUNCIL FOR DAMAGES CAUSED BY HIS AUTOMOBILE BEING STRUCK BY SCHOOL BUS.

WHEREAS, it is contended that the automobile owned by K. Clyde Council on April twenty-first, one thousand nine hundred and forty-four was damaged by a school bus being operated in Harnett County about seven miles South of Lillington on the Fayetteville road by a boy by the name of John Murchison, and

that the injury or damage was caused by the driver of the bus suddenly turning sharply to the left to take a side road when the front of the automobile owned and driven by the said K. Clyde Council was about even with the rear wheels of the bus and after the said K. Clyde Council had blown his horn and had given signals that he intended to pass the bus, there being sufficient straight road ahead to permit such passing; and

WHEREAS, it is contended that the automobile of K. Clyde Council was hit by said school bus in such a manner and with such force that his automobile was knocked or thrown into the middle of a freshly plowed field located on the side of the highway; and

WHEREAS, it is contended that the said bus was being operated by a driver authorized by the proper authorities and that said bus was out of order and that the flag used as a signal to indicate when the bus would turn was not in working order and had not been in working order for about a week, and such condition had been reported to the county superintendent, and the driver of said school bus further stated that his arm was too short to give any signal with his hand or arm indicating that such bus would be turning to the left; and

WHEREAS, it is contended that the automobile of the said K. Clyde Council was damaged in the amount of eighty-four dollars and forty cents ($84.40) which represents the repair bill of Avent & Scholer, Incorporated, the firm that repaired said automobile, and that such expense was caused by no fault on the part of the said K. Clyde Council: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to K. Clyde Council.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claim of K. Clyde Council referred to above and upon satisfactory proof that the accident occurred through the negligent operation of the school bus or through neglect or negligence on the part of the authorities in failing to keep the signal device of the bus in proper working order and repair and that there was no contributory negligence on the part of the said K. Clyde Council, that the State Board of Education is authorized to pay to the said K. Clyde Council a sum sufficient to cover the necessary expenses in order to repair his automobile as shown above.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 778 **CHAPTER 977**

AN ACT TO PROHIBIT THE SALE OF BEER AND WINE WITHIN THE CORPORATE LIMITS OF THE TOWN OF BESSEMER CITY.

The General Assembly of North Carolina do enact:

Authorizing Bessemer City to regulate or prohibit sale of wine.

SECTION 1. From and after the effective date of this Act, the governing body of the Town of Bessemer City, Gaston County, shall have full power and authority by resolution duly adopted to regulate or prohibit the sale of wine within said town.

Power to regulate to extend one mile beyond corporate limits.

SEC. 2. The Board of Commissioners of Gaston County, from and after the effective date of this Act, shall have full power and authority by resolution duly adopted to regulate or prohibit the sale of wine within a radius of one mile outside the corporate limits of the Town of Bessemer City.

Regulating power.

SEC. 3. The governing body of the Town of Bessemer City and/or the Board of Commissioners of Gaston County may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 788 **CHAPTER 978**

AN ACT TO REIMBURSE WALTER G. TEMPLE OF CARTERET COUNTY FOR DAMAGES TO AUTOMOBILE BY COLLISION WITH SCHOOL BUS NOVEMBER NINTH, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR.

WHEREAS, on the ninth day of November, one thousand nine hundred and forty-four, a collision occurred in the Town of Beaufort, Carteret County, North Carolina, between a school bus belonging to the State Board of Education and an automobile owned by Walter G. Temple of Carteret County; and

WHEREAS, it is contended that the said collision occurred by the negligent backing of the school bus into the parked car of the said Walter G. Temple by the duly authorized driver; and

WHEREAS, it appears that the said Walter G. Temple suffered damages to his automobile in the sum of ninety-two ($92.00) and that he does not have legal authority to recover his loss against the State Board of Education: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to Walter G. Temple.

SECTION 1. The State Board of Education is hereby authorized to investigate the claim of the said Walter G. Temple, above referred to, and upon production of satisfactory proof that the damages sustained by him were caused and brought about by the negligent operation of the school bus by its duly authorized driver and without contributory negligence on the part of the owner of said automobile, the State Board of Education is authorized to pay to the said Walter G. Temple a sum not exceeding ninety-two dollars ($92.00) to reimburse him for the damages sustained.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 803 **CHAPTER 979**

AN ACT TO PROVIDE FOR THE PAYMENT OF CERTAIN BILLS OR EXPENSES FOR HARRIET ANN HAYES, ELSIE PACE AND BURLIA MAUD PACE, SCHOOL CHILDREN INJURED WHILE OCCUPANTS OF SCHOOL BUSSES IN FORSYTH COUNTY.

WHEREAS, it is contended that Harriet Ann Hayes was injured on February seventh, one thousand nine hundred and forty-five, while an occupant or passenger on school bus Number six of Griffith School, Forsyth County, the said school bus being driven by Lawrence Chitty, a substitute driver who operated said school bus in such a manner that it went off of the road into a side ditch, striking a small culvert, and the force was so severe on striking the culvert that Harriet Ann Hayes was thrown up against the bus, cutting her scalp, making several stitches necessary; that it was necessary for the said Harriet Ann Hayes to have two X-Rays made at the North Carolina Baptist Hospital, Incorporated, at a cost of fifteen dollars ($15.00) and seven dollars ($7.00), or a total sum of twenty-two dollars ($22.00); and

WHEREAS, it is contended that Elsie Pace and Burlia Maud Pace were injured on January third, one thousand nine hundred and forty-five while occupants or passengers of a public school bus being driven along the Reynolda Road in Forsyth County, the school bus swerving out of the road and striking a tree because of a defect in the steering machinery of the bus, the said bus being driven by James Campbell; that it was necessary for Elsie Pace and Burlia Maud Pace to receive medical treatment, and for said treatment a bill in the sum of twenty-five dollars ($25.00) has been presented and also a bill in the sum of ten dollars ($10.00) for carrying the said Elsie Pace and Burlia Maud Pace to the hospital in an ambulance: Now, therefore, *The General Assembly of North Carolina do enact:*

Payment of damages to Harriet A. Hayes, Elsie Pace and Burlia M. Pace.

SECTION 1. That the State Board of Education is hereby authorized to investigate the claims for expenses referred to above on behalf of Harriet Ann Hayes, Elsie Pace and Burlia Maud Pace, and upon production of satisfactory proof that the injuries of these school children occurred in the way and manner as set forth in the preamble to this Act, the said State Board of Education is authorized to pay such sum as is necessary not exceeding the amount set forth above to the end that the bills and expenses incurred as the result of these injuries be paid and discharged.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 810 **CHAPTER 980**

AN ACT CONCERNING POWERS OF ATTORNEY GRANTED BY PERSONS SERVING IN OR PRESENT WITH THE ARMED FORCES OF THE UNITED STATES, AND OTHERS.

The General Assembly of North Carolina do enact:

Relating to valdity of acts of agent of person in armed forces, performed in good faith, under power of attorney, after death of principal, but before agent receives notice of principal's death.

SECTION 1. No agency created by a power of attorney in writing given by a principal who is at the time of execution, or who, after executing such power of attorney, becomes, either (a) a member of the Armed Forces of the United States, or (b) a person serving as a merchant seaman outside the limits of the United States, included within the forty-eight States and the District of Columbia; or (c) a person outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to or connected with the prosecution of any war in which the United States is then engaged, shall be revoked or terminated by the death of the principal, as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, shall have acted or shall act, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, legatees, or personal representatives of the principal.

Relating to affidavit of agent relative to his possessing no knowledge or notice of death of principal.

SEC. 2. An affidavit, executed by the attorney in fact or agent, setting forth that he has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this State, such affidavit (when authenticated for record in the manner prescribed by law) shall likewise be recordable.

Report of "missing" shall not constitute revocation of power of attorney.

SEC. 3. No report or listing, either official or otherwise, of "missing" or "missing in action," as such words are used in military parlance, shall constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency.

This Act shall not affect written provisions of power of attorney.

SEC. 4. This Act shall not be construed so as to alter or affect any provision for revocation or termination contained in such power of attorney.

Constitutionality.

SEC. 5. If any provision of this Act or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect any other provision or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 826 CHAPTER 981

AN ACT TO AMEND HOUSE BILL NUMBER SEVENTEEN RATIFIED BY THE GENERAL ASSEMBLY ON JANUARY THIRTY-FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE TO PROVIDE THAT A CERTIFIED COPY OF THE BIRTH CERTIFICATE WILL NOT BE SUPPLIED THE MOTHER OF A CHILD BORN OUT OF WEDLOCK.

The General Assembly of North Carolina do enact:

Amending an earlier Chapter of 1945 Session Laws.

SECTION 1. House Bill Number seventeen, ratified by the General Assembly of one thousand nine hundred and forty-five on January thirty-first, one thousand nine hundred and forty-five, and entitled: "An Act to Amend Section one hundred and thirty - one hundred and two of the General Statutes of North Carolina so as to Require a Certified Copy of the Birth Certificate to be Supplied Each Child at Birth." is hereby amended by adding after the comma and before the word "the" in line six of the printed bill the following:

"unless said child was born out of wedlock,".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after May first, one thousand nine hundred and forty-five.

Ratified this the 20th day of March, 1945.

H. B. 835 CHAPTER 982

AN ACT TO AMEND SECTION ONE HUNDRED AND SIXTY-THREE - TEN OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE AUTHORITY OF THE STATE BOARD OF ELECTIONS.

The General Assembly of North Carolina do enact:

Amending law relating to issuance of absentee ballots to applicants.

SECTION 1. The State Board of Elections may, under such rules and regulations as it may prescribe, when it deems it necessary and advisable, authorize the chairman of any county board of elections to delegate the authority to any other member of such county board of elections to receive applications for and to issue absentee ballots in any primary or general election; *provided* the chairman of any county board of elections may in his discretion decline to delegate any other member of said board to receive applications for and to issue absentee ballots.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 842 CHAPTER 983

AN ACT RELATING TO THE PROBATION AND REGISTRATION OF DEEDS AND OTHER INSTRUMENTS IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Validating instruments recorded in Carteret County irrespective of absence of seal of executing party.

SECTION 1. All deeds and other instruments of writing required or permitted to be probated and registered in the office of the Clerk of Superior Court and the office of the Register of Deeds of Carteret County, executed by any person, individual, or as agent, attorney, or trustee, to which the grantor's seal is not affixed, are declared to be valid and binding and such seal be conclusively presumed to have been affixed to the original instrument: *Provided,* that this Act shall not apply to or affect pending litigation.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 846 **CHAPTER 984**

AN ACT TO VALIDATE SALES MADE UNDER MORTGAGES AND DEEDS OF TRUST WHERE THERE IS NO ORDER OF CONFIRMATION OR RECORD OF SAME OTHER THAN RECITALS IN DEEDS EXECUTED PURSUANT TO SUCH SALES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter forty-five of the General Statutes of North Carolina by adding thereto a new section to be known as Section forty-five - thirty-seven, which said new section shall read as follows:

Validating conveyances prior to March 1, 1945, under mortgage and other powers though no order or record of confirmation can be found.

SEC. 45-37. Validation of Deeds where Order of Confirmation can not be found and no record of same. In all cases prior to the first day of March, one thousand nine hundred and forty-five where sales of property have been made under the power of sale contained in any deed of trust, mortgage or other instrument conveying property to secure a debt or other obligation, or where such sales have been made pursuant to an order of court in foreclosure proceedings and deeds have been executed by any trustee, mortgagee, commissioner, or person appointed by the court, conveying the property, or security, described therein, and said deed, or other instrument so executed, containing the property described therein, to the highest bidder or purchaser of said sale and such deed, or other instrument, contains recitals to the effect that said sale was reported to the clerk of the superior court, or to the court, and/or such sale was duly confirmed by the clerk of the superior court, or court, then and in that event all such deeds, conveyances, or other instruments, containing such recitals are declared to be lawful, valid and binding upon all parties to the proceedings, or parties named in such deeds of trust, mortgages, or other orders or instruments, and are hereby declared to be effective and valid to pass title for the purpose of transferring title to the purchasers at such sales with the same force and effect as if an order of confirmation had been filed in the office of the clerk of superior court, or with the court, together with all necessary reports and other decrees and to the same effect as if a record had been made in the minutes of the court of such orders, decrees and confirmations, *provided* that nothing contained in this section shall be construed as applicable to or affecting pending litigation.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 852 CHAPTER 985

AN ACT TO AUTHORIZE AND DIRECT THE BOARD OF PUBLIC BUILDINGS AND GROUNDS TO STUDY THE FEASIBILITY OF INSTALLING ELEVATORS OR ESCALATORS IN THE STATE CAPITOL BUILDING.

The General Assembly of North Carolina do enact:

Directing Board of Public Buildings and Grounds to investigate feasibility of installing elevators or escalators in the Capitol Building. If project be practical, same to be effectuated.

SECTION 1. The Board of Public Buildings and Grounds is hereby authorized and directed to investigate the feasibility of installing one or more elevators or one or more escalators in the State Capitol Building at Raleigh, and, if the board finds such a project practical from a standpoint of cost and construction, it is hereby directed to enter into the necessary agreements for the installation of such elevators or escalators, to lead from the first floor to the third floor. The Board of Public Buildings and Grounds shall select a competent architect to supervise the installation of such project to the end that the original beauty of the architecture of the State Capitol Building will be preserved so far as possible.

Authoroizing appropriation from Contingency and Emergency Fund.

SEC. 2. For the purpose of carrying out the provisions of this Act, the Governor and the Council of State are hereby authorrized to appropriate from the Contingency and Emergency Fund such amounts as will be sufficient to pay the cost for the above project, to be expended by the Board of Public Buildings and Grounds.

Conflicting laws repelaed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 866 CHAPTER 986

AN ACT TO VALIDATE CERTAIN ENTRIES OF CANCELLATION OF DEEDS OF TRUST APPEARING OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

Validating purported cancellations prior to January 1, 1930, entered on records of deeds of trust, etc. by the beneficiary or assignee of record instead of the trustee.

SECTION 1. In all cases where, prior to January first, one thousand nine hundred and thirty, it appears from the margin or face of the record in the office of the register of deeds of any county in this State that the original beneficiary named in any deed of trust, trust indenture, or other instrument intended to secure the payment of money and constituting a lien on real estate, or his assignee of record, shall have made an entry purporting to fully satisfy and discharge the lien of such instrument, and such entry has been signed by the original payee and

beneficiary in said deed of trust, or other security instrument, or by his assignee of record, or by his or their properly constituted officer, agent, attorney, or legal representative, and has been duly witnessed by the register of deeds or his deputy, all such entries of cancellation and satisfaction are hereby validated and made full, sufficient and complete to release, satisfy and discharge the lien of such instrument, and shall have the same effect as if such entry had been made and signed by the trustee named in said deed of trust, or other security instrument, or by his duly appointed successor or substitute.

Not to affect pending litigation.

SEC. 1½. That nothing in this Act shall affect pending litigation.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945 .

H. B. 873 CHAPTER 987

AN ACT RELATING TO THE DEPUTY SHERIFF FOR POPLAR BRANCH TOWNSHIP IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Appointment of deputy sheriffs in Poplar Branch Township in Currituck County.

SECTION 1. Section one of Chapter two hundred fifty-six of the Public-Local Laws of one thousand nine hundred and forty-one is hereby repealed and there is inserted in lieu thereof, the following:

That from and after the ratification of this Act, the Board of County Commissioners of Currituck County shall appoint E. B. Pugh and Irving Gallop as Deputy Sheriffs in Poplar Branch Township in Currituck County.

Conflicting laws repealed.

SEC. 2. Chapter two hundred fifty-six of the Public-Local Laws of one thousand nine hundred and forty-one is hereby amended by striking out the words "deputy sheriff" in Sections two, three, four, and five, and inserting in lieu thereof the words "deputy sheriffs," and by inserting between the words "shall" and "receive" in line two of Section two the word "each."

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 880 **CHAPTER 988**

AN ACT WITH REFERENCE TO THE CANCELLATION OF MORTGAGES, DEEDS OF TRUST AND OTHER INSTRUMENTS SECURING THE PAYMENT OF MONEY, AMENDING SECTION FORTY-FIVE - THIRTY-SEVEN, SUBSECTION FIVE, OF THE GENERAL STATUTES, MAKING IT APPLICABLE TO INSTRUMENTS EXECUTED PRIOR TO THE ENACTMENT OF SAID SUBSECTION.

The General Assembly of North Carolina do enact:

Relating to cancellation of mortgages, etc.

SECTION 1. That Section forty-five - thirty-seven, Subsection five, of the General Statutes be, and the same hereby is, amended by adding at the end of said subsection the following:

This subsection shall be applicable from and after one year from the date of the ratification of this Act to all instruments executed prior to the enactment of Chapter one hundred and ninety-two of the Public Laws of one thousand nine hundred and twenty-three, and any person affected hereby shall have until said date to file the affidavit with the register of deeds referred to herein or make the entry on the margin of the record as herein provided for.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 891 **CHAPTER 989**

AN ACT TO AMEND SECTION ONE - ONE HUNDRED AND SEVENTY-THREE OF THE GENERAL STATUTES RELATIVE TO THE TIME FOR TRYING UNCONTESTED CASES.

The General Assembly of North Carolina do enact:

Uncontested cases may be tried at any time after time for answering has expired.

SECTION 1. Section one - one hundred and seventy-three of the General Statutes is hereby amended by changing the period at the end thereof to a colon and adding the following proviso:

Provided, that uncontested cases in which no answer has been filed may be tried at any term after the time for filing answers has expired.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 896 **CHAPTER 990**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF McDOWELL COUNTY TO DIRECT THE BOARD OF ELECTIONS TO CALL AN ELECTION FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF SAID COUNTY THE QUESTION OF WHETHER THE SALE OF BEER, ALE AND WINE IN SAID COUNTY SHALL BE PROHIBITED.

The General Assembly of North Carolina do enact:

Authorizing McDowell County to regulate or prohibit sale of wine, except within municipalities action of same is necessary.

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of McDowell County shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said county, except that it may not prohibit the sale of wine in any municipality of said county unless the governing body of any municipality of said county adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality.

Authorizing municipalities to regulate or prohibit sale of wine.

SEC. 2. The governing body of any municipality in McDowell County, from and after the effective date of this Act shall have full power and authority, by resolution adopted, to regulate or prohibit the sale of wine within the corporate limits of its municipality.

Power to regulate.

SEC. 3. The Board of County Commissioners of McDowell County and/or the governing body of any municipality of said county may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted by the Board of Commissioners of McDowell County or the governing body of any municipality therein, pursuant to the authority prescribed herein, shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts. Violations constitute misdemeanor.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 897 CHAPTER 991

AN ACT RELATING TO PLACING THE SHERIFF OF TYRRELL COUNTY UPON A FEE BASIS IN LIEU OF SALARY.

The General Assembly of North Carolina do enact:

SECTION 1. At any time after September thirtieth, one thousand nine hundred and forty-six, but not later than May first, one thousand nine hundred and forty-seven, the Board of County Commissioners of Tyrrell County is hereby authorized and directed to place the sheriff of said county upon a fee basis. In lieu of the salary now received by the sheriff, he shall receive as his compensation five per cent (5%) of all taxes collected by him prior to the time that the same are turned over to the county accountant, auditor, or delinquent tax collector of the county and shall receive all process and other fees now allowed by law to sheriffs and shall receive five cents (5c) per mile for each mile actually travelled by him in serving processes, jury notices, and orders of court. Relating to placing Sheriff of Tyrrell County on fee basis instead of salary.

SEC. 2. Upon the sheriff being placed upon a fee basis, he shall not be entitled to receive any salary nor shall he be entitled to any expense, either clerical assistants or otherwise, except the mileage provided for in Section one, but he shall pay from the commissions and fees herein allowed him all of the expenses of his office. Relating to same.

SEC. 3. There shall be added to the tax of such taxpayer whose property is advertised and sold by the sheriff, the sum of one dollar ($1.00) which shall be turned over to the county general fund and the sheriff's tax sale shall not be advertised in any newspaper other than one published in Tyrrell County and with a general circulation therein; and if the sheriff's sale is adver- Relating to sales of land by Sheriff.

tised in such a newspaper, the expense thereof shall be paid out of the county general fund.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 902 CHAPTER 992

AN ACT TO PROHIBIT PLANTING OR GROWTH OF CERTAIN GRASSES OR PLANTS ON THE SHOULDERS OF ANY HIGHWAY OF THE STATE HIGHWAY SYSTEM.

The General Assembly of North Carolina do enact:

Prohibiting planting of Bermuda grass on shoulders of highway in certain areas.

SECTION 1. The use of Bermuda grass shall be restricted to sections of the highway where the abutting property is not in cultivation, except where the State Highway and Public Works Commission has written consent of the abutting landowner. In long sections of woodland or waste land sufficiently distant from cultivated areas, Bermuda grass may be used.

Directing Highway Commission to eliminate Bermuda grass heretofore planted in certain areas.

SEC. 2. That the State Highway and Public Works Commission and its employees shall use every reasonable effort to eliminate Bermuda grass heretofore planted on the shoulders of the highways through cultivated farm areas.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 906 CHAPTER 993

AN ACT TO AMEND CHAPTER NINE OF THE GENERAL STATUTES OF NORTH CAROLINA TO FIX THE FEES FOR JURORS IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Fixing fees for jurors in Johnston County.

SECTION 1. That Section nine - five of the General Statutes of North Carolina, in so far as the same applies to Johnston County, is hereby rewritten to read as follows:

All jurors in the Superior Court of Johnston County, including special veniremen and tales jurors, shall receive such an amount per day as the Board of Commissioners of Johnston County may fix. The sum so fixed shall be not less than two dollars ($2.00) per day and not more than four dollars ($4.00) per day. Such jurors shall also receive mileage at the rate of five cents per mile while coming to the county seat and returning home.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 915 CHAPTER 994

AN ACT TO REPEAL CHAPTER EIGHTY OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE, AND CERTAIN SECTIONS OF CHAPTER TWENTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO THE BOARD OF EDUCATION AND SCHOOL COMMITTEES OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Repealing Chapter 80 of 1943 Session Laws.

SECTION 1. That Chapter eighty of the Session Laws of one thousand nine hundred and forty-three be, and the same is hereby, repealed.

Repealing certain sections of a certain 1941 Act.

SEC. 2. That Sections two, three, four, five and six of Chapter twenty-eight of the Public-Local Laws of the Session of one thousand nine hundred and forty-one be, and the same are hereby, repealed.

Providing for appointment of school committeemen in Graham County under provisions of General Statutes.

SEC. 3. That from and after the effective date of this Act the members of the various boards of committeemen for the public schools and school districts of Graham County shall be constituted and appointed as provided by the general law of the State, and all vacancies in said boards shall be filled as provided by the general laws of the State.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 924 **CHAPTER 995**

AN ACT TO AMEND THE GENERAL STATUTES SO AS TO EXTEND TO OTHER VETERANS' ORGANIZATIONS THE EXEMPTION FROM CERTAIN TAXES NOW APPLICABLE TO THE AMERICAN LEGION.

The General Assembly of North Carolina do enact:

Extending benefits to veterans organizations other than American Legion.

SECTION 1. Subsection (a) of Section one hundred and five - sixty-four of the General Statutes of North Carolina is hereby amended by inserting between the words "Posts" and "Young" in line three of the subsection the following: "or posts or other local organizations of other veterans' organizations chartered by Congress or organized and operating on a state-wide or nation-wide basis,".

SEC. 2. Subsection six (6) of Section one hundred and five - two hundred and ninety-six of the General Statutes of North Carolina is hereby amended by inserting between the word "Legion" and the word "or" in line three of the subsection a comma and the following: "or any other veterans' organization chartered by Congress or organized and operating on a state-wide or nation-wide basis, or any post or other local organization thereof,".

SEC. 3. Subsection six (6) of Section one hundred and five - two hundred and ninety-seven of the General Statutes of North Carolina is hereby amended as follows:

(1) By striking out the word "any" in line two of the subsection and inserting in lieu thereof the word "the."

(2) By striking out the words "or Post of American Legion" in line three of the subsection and inserting in lieu thereof the words "or any post thereof, or any other veterans' organization chartered by Congress or organized and operating on a nation-wide or state-wide basis, or any post or other local organization thereof, or any."

(3) By inserting between the words "lodge" and "purposes" in line five of the subsection the words "or post."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall become effective upon its ratification.

Ratified this the 20th day of March, 1945.

H. B. 926 CHAPTER 996

AN ACT TO AMEND THE GENERAL STATUTES SO AS TO EXTEND TO OTHER VETERANS' ORGANIZATIONS THE RIGHT WHICH THE AMERICAN LEGION NOW HAS TO SECURE CERTAIN RECORDS WITHOUT CHARGE FROM THE BUREAU OF VITAL STATISTICS.

The General Assembly of North Carolina do enact:

Amending Section 131 - 103 of General Statutes to extend benefits to other veterans organizations besides American Legion.

SECTION 1. Section one hundred and thirty - one hundred and three of the General Statutes of North Carolina is hereby amended as follows:

(1) By inserting after the words, "American Legion," in lines three and four of the section the following, "or by any officer of any other veterans' organization chartered by Congress or organized and operating on a state-wide or nation-wide basis,".

(2) By striking out of lines nine and ten of the section the words, "ex-soldiers of the World War," and by inserting in lieu thereof the words, "members or former members of the armed forces of the United States who served in the First or Second World War."

(3) By striking out the word "ex-soldier" and the period following that word in line thirteen of the section and by inserting in lieu thereof the following, "member or former member of the armed forces of the United States:".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification. Ratified this the 20th day of March, 1945.

H. B. 928 CHAPTER 997

AN ACT TO FIX THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS, AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY.

The General Assembly of North Carolina do enact:

Fixing $1200.00 as salary of Clerk of Superior Court of Clay County.

SECTION 1. The Clerk of the Superior Court of Clay County shall receive as full compensation, for all the duties required by law to be performed by him, a salary of one thousand two hundred dollars ($1,200.00) per annum, payable in equal monthly installments, and all fees and commissions required or allowed by law to be paid to said clerk shall be collected by him and turned to Clay County for deposit in the general fund of the county.

Fixing $1500.00 as salary for Register of Deeds.

SEC. 2. The Register of Deeds of Clay County shall receive as full compensation, for all duties required by law to be performed by him, a salary of one thousand fine hundred dollars ($1,500.00) per annum, payable in equal monthly installments, and all fees and commissions required or allowed by law to be paid to the register of deeds of said county shall be collected by him and turned over to Clay County for deposit in the general fund of said county.

Fixing compensation of County Commissioners.

SEC. 3. Each member of the Board of County Commissioners of Clay County, including the chairman, shall receive for his services and expenses in attending the regular and special meetings of the board the sum of six dollars ($6.00) per day, and in addition thereto, each member shall be allowed mileage to and from the respective places of meeting of said board at the rate of five cents (5c) per mile.

Foregoing salaries to be paid out of general fund.

SEC. 4. The salaries and compensation herein provided for in Sections one, two and three of this Act shall be paid by the Board of County Commissioners of Clay County out of the general fund of said county or from any and all other lawful funds of said county or from any and all other lawful funds of the county that may be available for said purpose.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 930 **CHAPTER 998**

AN ACT TO REIMBURSE W. B. LENTZ AND GUY SCOTT FOR PERSONAL EXPENSES INCURRED IN CONNECTION WITH AN INDICTMENT WHILE CARRYING OUT THEIR DUTIES AS LAW ENFORCEMENT OFFICERS.

WHEREAS, W. B. Lentz of the State Highway Patrol and Guy Scott of the State Bureau of Investigation were indicted in connection with arrests made by them and other officers in Wilkes County, North Carolina in the year in the year one thousand nine hundred and forty-three; and

WHEREAS, these State employees were carrying out their duties as officers after having been called to Wilkes County to aid in clearing up the whiskey traffic; and

WHEREAS, in the process of doing their duties they were faslely accused of abusing their offices; and

WHEREAS, these State employees were tried at a special term of superior court called by the Governor of North Carolina for this purpose; and

WHEREAS, these State employees were adjudged by the superior court to be innocent of the charges made against them while in the process of carrying out their sworn duties as State employees against those violating the laws of the State of North Carolina; and

WHEREAS, W. B. Lentz and Guy Scott were compelled to defend themselves and in so doing incurred costs in the sum of seven hundred and twenty-five dollars ($725.00) each; and

Whereas, there is no means by which these two State employees can recover for the expenses incurred personally by them to defend themselves against an indictment brought against them because they did faithfully and efficiently perform the duties the State of North Carolina requires of its State employees; and

WHEREAS, it is deemed equitable and proper that the State of North Carolina should reimburse W. B. Lentz and Guy Scott for the actual costs incurred in defending themselves against the indictments brought against them because they were performing the duties required of them by the State of North Carolina and, since the Superior Court of North Carolina has found that they were not guilty of any breach of trust and that they had done nothing except that which was required of them by the State of North Carolina as State employees; and

WHEREAS, the State of North Carolina has in the past reimbursed State employees for costs incurred by them in defending themselves against indictments brought against them as State employees in the performance of their duties as State employees, and which State employees were exonerated of the charges in the indictments: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to W. B. Lentz.

SECTION 1. That the Department of Motor Vehicles is hereby empowered and directed to pay to W. B. Lentz out of the appropriation of the State Highway Patrol a sum not to exceed seven hundred and twenty-five dollars ($725.00) which will reimburse him for actual expenses incurred by him in connection with the indictment and trial in Wilkes County in one thousand nine hundred and forty-three while in the performance of his official State duties.

Payment of damages to Guy Scott.

SEC. 2. That the State Bureau of Investigation is hereby empowered and directed to pay to Guy Scott out of the appropriations for the operation of the State Bureau of Investigation a sum not to exceed seven hundred and twenty-five dollars ($725.00) which will reimburse him for actual expenses incurred by him in connection with the indictment and trial in Wilkes County in one thousand nine hundred and forty-three while in the performance of his official State duties.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 931 CHAPTER 999

AN ACT TO AUTHORIZE THE BOARD OF AGRICULTURE UPON APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE, TO INVEST SURPLUS AGRICULTURE FUNDS IN EXCESS OF THE AMOUNT REQUIRED TO MEET THE CURRENT NEEDS OF THE DEPARTMENT IN INTEREST BEARING SECURITIES OF THE STATE AND FEDERAL GOVERNMENTS.

The General Assembly of North Carolina do enact:

Authorizing State Board of Agriculture to invest certain funds in interest bearing government securities.

SECTION 1. The Board of Agriculture, with the approval of the Governor and Council of State, is hereby authorized and empowered whenever in their discretion there is a cash surplus in the Agriculture Fund in excess of the amount required to meet the current needs and demands of the department, to invest said surplus funds in bonds or certificates of indebtedness of the United States of America or bonds, notes or other obligations of any agency or instrumentality of the United States of America, when the payment of principal and interest thereof is fully guaranteed by the United States of America, or in bonds or notes of the State of North Carolina. The said funds shall be invested in such obligations as in the judgment of the Board of Agriculture, the Governor, and the Council of State may be readily converted into money. The interest and revenue received from such investment or profits realized from the sale thereof shall become a part of the Agriculture Fund and be likewise invested.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 935 **CHAPTER 1000**

AN ACT TO PROTECT THE HEALTH OF THE PEOPLE OF ANSON COUNTY AGAINST RABIES AMONG FOXES, AND TO PLACE A BOUNTY UPON THE HEADS OF FOXES KILLED IN ANSON COUNTY, AND FOR OTHER PURPOSES.

WHEREAS, an epidemic of rabies among foxes has recently prevailed in Chesterfield County, South Carolina, adjacent to the County of Anson, in North Carolina; and

WHEREAS, the condition aforesaid has endangered the health and lives of those who live in said area, and has likewise been a menace to all animal life therein; and

WHEREAS, there is the grave possibility that said epidemic of rabies among foxes may spread to Anson County and thereby endanger all human and animal life in said county, and it is considered necessary and proper that specific authority be granted the governing body of said county in the interest of the public health and welfare therein, to cope with such a condition should it arise: Now, therefore,

The General Assembly of North Carolina do enact:

Relating to killing foxes in Anson County because of epidemic of rabies among them.

SECTION 1. That for a period of two years from the date of the ratification of this Act it shall be lawful to hunt and kill foxes in Anson County in any manner whatsoever, except by the use of steep traps; *provided,* that before it shall be permissible and lawful to do the things set forth in this section, the Board of Commissioners and Board of Health of Anson County shall have met in joint session and each said board have adopted a resolution declaring the existence of an emergency affecting the health and welfare of the people of the county in so far as an epidemic of rabies among foxes is concerned, the finding of said fact and the adoption of said resolution to be published in a newsoper published in said county; *provided further* that the resolution herein referred to be approved by the Department of Conservation and Development of the State of North Carolina.

Authorizing prize of $3.00 per head for killing foxes.

SEC. 2. That upon the declaring of said state of emergency, the Board of County Commissioners of Anson County is hereby authorized, in its discretion, to pay a bounty of not to exceed three dollars ($3.00) for the head of each fox killed in Anson County pursuant to the provisions of this Act.

Relating to procedure.

SEC. 3. That the Board of County Commissioners of Anson County is hereby authorized and empowered to make all needful rules and regulations with respect to requiring proof of claims and procedure for payment of the bounty herein provided for.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall only apply to Anson County and shall be in full force and effect from and after ratification.

Ratified this the 20th day of March, 1945.

H. B. 951 CHAPTER 1001

AN ACT TO AUTHORIZE AND EMPOWER THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF HAMLET TO SELL PART OF ITS PROPERTY TO THE SEABOARD AIR LINE RAILROAD COMPANY.

WHEREAS, the Town of Hamlet is now the owner of certain property adjoining the right of way of the Seaboard Air Line Railroad Company; and

WHEREAS, the Seaboard Air Line Railroad Company is desirous of purchasing said property for the purpose of erecting buildings thereon; and

WHEREAS, said uses will not interfere with the use of any adjoining property by the Town of Hamlet: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing Hamlet to convey certain property to Seaboard Railway.

SECTION 1. That the Mayor and Board of Commissioners of the Town of Hamlet be, and they are hereby, authorized and empowered to sell and convey to the Seaboard Air Line Railroad Company in fee simple at a private sale, for and in consideration of the sum of one thousand dollars ($1,000.00) a lot of land lying and being in the Town of Hamlet, North Carolina, and bounded and described as follows:

Description of land.

Beginning at a point where the Northern edge of High Street intersects the Western edge of the Seaboard Air Line Railroad Company right of way in the Town of Hamlet, North Carolina, and runs in a Northernly direction with said right of way two hundred and thirty feet to a stake; thence in a Southernly direction and parallel to the first line two hundred and thirty feet to a stake in the Northern edge of High Street; thence with the Northern edge of High Street in an Easternly direction eighty-six feet to the point of beginning in the edge of the Seaboard Air Line Railroad Company right of way, including all walkways and driveways included in said description.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this 20th day of March, 1945.

H. B. 953 CHAPTER 1002

AN ACT TO AUTHORIZE CERTAIN ELECTORS OF THE TOWN OF JACKSONVILLE IN ONSLOW COUNTY TO REGISTER AND VOTE DURING THE CALENDAR YEAR OF ONE THOUSAND NINE HUNDRED AND FORTY-FIVE IN THE WARD OR PRECINCT IN WHICH THEY RESIDE.

The General Assembly of North Carolina do enact:

SECTION 1. Any resident of the Town of Jacksonville, Onslow Couty, who is a qualified elector therein, except for the fact that he or she has not resided in the ward or precinct in which he or she now resides for four months, shall be entitled to register and vote in the ward or precinct in which he or she resides at any and all primary elections and general elections held during the calendar year of one thousand nine hundred and forty-five. Authorizing certain persons in Jacksonville to vote during 1945 in the wards where they reside, irrespective of the length of residence therein.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. B. 987 CHAPTER 1003

AN ACT TO CHANGE THE AREA EMBRACED IN THE JURISDICTION OF THE RECORDER'S COURT OF THE TOWN OF MOUNT HOLLY, GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. The area embraced in the jurisdiction of the Recorder's Court of the Town of Mount Holly, Gaston County, North Carolina shall not extend beyond the area embraced in River Bend Township, Gaston County, North Carolina. Confining jurisdiction of Recorder's Court of Mount Holly to River Bend Township.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. B. 37 CHAPTER 1004

AN ACT TO PROHIBIT THE SALE OF WINE AND BEER WITHIN ONE MILE OF THE PROPERTY LINE OF REYNOLDS PARK IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Prohibiting sale of wine within one half mile of Reynolds Park in Forsyth County.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or cause to be sold any wine within one half mile of Reynolds Park, in Forsyth County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 54 CHAPTER 1005

AN ACT TO REWRITE SECTION ONE HUNDRED AND SIXTY - SIXTY-FIVE OF THE GERERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE FOR A NEW REGISTRATION IN LIBRARY ELECTIONS AND TO PROVIDE FOR THE INCREASE OR DECREASE OF A TAX VOTED AT A PRIOR ELECTION.

The General Assembly of North Carolina do enact:

Rewriting Section 160 - 65 of General Statutes.

SECTION 1. Section one hundred and sixty - sixty-five of the General Statutes of North Carolina is hereby rewritten to read as follows:

Providing for establishment of public libraries by popular vote.

SEC. 160-65. Library established upon petition and popular vote. The governing body of any incorporated city or county, upon petition of fifteen per cent (15%) of the registered voters in said city or county who voted in the last election for Governor, may submit the question of the establishment and support of a free public library to the voters at a special election for that purpose. Such special election shall be called by the proper election authorities of the incorporated city or county, and at least twenty days' public notice of same shall be given prior to the opening of the registration books. The registration books shall remain open for the same period of time before said special election as is required by law for them to remain open for a regu-

lar election. A new registration of the qualified voters shall be ordered before said special election is held and such new registration shall be made in accordance with the laws for the registration of voters in municipal elections as provided by Chapter one hundred and sixty of the General Statutes of North Carolina and as provided by Chapter one hundred and sixty-three of the General Statutes of North Carolina in the case of a county. At said special election there shall be submitted to the voters qualified to vote in said election the question of whether a special tax shall be levied and a free public library established or maintained as herein provided. The ballot to be used in voting on whether any tax authorized by this Act shall be levied and a free public library established shall contain the following question: "Shall a special tax be levied for the establishment, maintenance and support of public libraries?", with appropriate spaces for marking "Yes" or "No." If a majority of the qualified voters at said special election vote in the affirmative, the governing body of the voting unit shall establish the library and may levy, and cause to be collected as other general taxes are collected, a special tax in the amount requested by the petition, which shall not be more than five cents (5c) nor less than three cents (3c) on the one hundred dollars ($100.00) of the assessed value of the taxable property of such unit. The funds so derived shall constitute the library fund, and shall be kept separate from the other funds of the city or county, to be expended exclusively on such library. When such library has been established, it may be abolished only by a vote of the people in the same manner in which it was established.

Requiring new registration for library elections.

Form of ballot.

If referendum favorable, special library taxes to be levied.

In any city or county in which a tax for library purposes has been voted under this section or any other law, the governing body thereof, on the recommendation of the board of trustees of the library, may submit to the voters of such city or county the question as to an increase or decrease, within the limitations of this section, of such tax so authorized. The question shall be submitted to the voters in the manner provided by this section. No election under this section shall be held on the day of any biennial election for county officers, or within sixty days of such an election.

If library has already been established, tax levy for same can be decreased or increased by another vote.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 147 **CHAPTER 1006**

AN ACT TO AUTHORIZE AN ELECTION IN GRAHAM, MACON, SWAIN, CHEROKEE, AND CLAY COUNTIES ON WHETHER WINE AND BEER MAY BE SOLD IN SAID COUNTIES.

The General Assembly of North Carolina do enact:

Authorizing Cherokee, Clay and Graham Counties to regulate or prohibit sale of wine, except within municipalities action of same is necessary.

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Cherokee County, the Board of County Commissioners of Clay County and the Board of County Commissioners of Graham County shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within their respective counties, except that they may not prohibit the sale of wine within any municipality of their respective counties unless the governing body of said municipality adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality.

Authorizing the municipalities in foregoing three Counties to regulate or prohibit sale of wine.

SEC. 2. The governing body of any municipality in Cherokee County, Clay County or Graham County, from and after the effective date of this Act, shall have full power and authority by resolution adopted, to regulate or prohibit the sale of wine within the corporate limits of its municipality.

Regulating powers.

SEC. 3. The Board of County Commissioners of Cherokee County and/or the governing body of any municipality in said county, the Board of County Commissioners of Clay County and/or the governing body of any municipality in said county and the Board of County Commissioners of Graham County and/or the governing body of any municipality in said county may adopt rules and regulations regulating the sale of wine within the territory of their respective counties and municipalities specified in Section one and Section two hereof, fixing the hours of sale, the places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 174 **CHAPTER 1007**

AN ACT TO RESTORE THE RIGHT OF ALL QUALIFIED ELECTORS TO VOTE FOR FIVE COUNTY COMMISSIONERS IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. At the general primary election for county officers to be held in Halifax County in the year one thousand nine hundred and forty-six, there shall be submitted to the qualified electors at said election the question of whether or not the candidates for election to the board of county commissioners from each of the five districts, as created by Chapter three hundred and seventeen of the Session Laws of one thousand nine hundred and forty-three, shall be nominated by the qualified electors in each district or by the qualified electors of the county at large. Authorizing referendum in 1946 in Halifax County as to whether County Commissioners shall be nominated by districts or by entire County.

SEC. 2. The Halifax County Board of Elections shall have prepared ballots for said election on which shall be printed the words "For Nomination of County Commissioners by the Qualified Electors in Each District as Now Provided by Law," and the words "Against Nomination of County Commissioners by the Qualified Electors in Each District as Now Provided by Law," each to be preceded by a square. Form of ballot.

SEC. 3. If a majority of the qualified electors at said election vote for the nomination of county commissioners by the qualified electors in each district as now provided by law by marking the square preceding such words, then candidates for County Commissioners of Halifax County shall continue to be nominated as now provided by law, and if a majority of the qualified electors at such election vote against nomination of county commissioners by the qualified electors in each district as now provided by law by marking the square preceding such words, then at the primary election to be held in the year one thousand nine hundred and forty-eight, and biennially thereafter, one candidate from each district as now provided by law shall be nominated by a vote of the qualified electors of Halifax County at large. Results of election.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 196 CHAPTER 1008

AN ACT TO AMEND SEVERAL SECTIONS OF CHAPTER ONE HUNDRED AND THIRTEEN OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO INCREASE THE LICENSE FEES REQUIRED TO DEAL IN AND TAKE FISH, OYSTERS, ESCALLOPS, CLAMS, CRABS AND SHRIMP.

The General Assembly of North Carolina do enact:

Amending Section 113 - 158 of General Statutes.

SECTION 1. Section one hundred and thirteen - one hundred and fifty-eight of the General Statutes of North Carolina is hereby amended by changing the comma after the word "commissioner" in line thirty-six to a period and striking out the remainder of the sentence.

Rewriting Section 113 - 160.

SEC. 2. Section one hundred and thirteen - one hundred and sixty of the General Statutes of North Carolina is hereby amended by rewriting said section to read as follows:

Schedule of license fees for oyster boats.

SEC. 113-160. Licenses for oyster boats; schedule. The Commissioner of Commercial Fisheries, assistant commissioners, or inspectors, may grant a license for a boat to be used in catching oysters upon application made, according to law, and of payment of a license tax as follows: On any boat or vessel under custom-house tonnage, using scrapes or dredges, a tax of five dollars; on any boat or vessel using scoops, scrapes or dredges required to be registered in the custom-house, a tax of one dollar and fifty cents a ton on gross tonnage. No boat or vessel not the property absolutely of a a citizen or citizens of this State, shall receive license or be permitted in any manner to engage in the catching of oysters anywhere in the waters of this State.

Amending Section 113 - 161.

SEC. 3. Section one hundred and thirteen - one hundred and sixty-one of the General Statutes of North Carolina is hereby amended by striking out the words and figures "one dollar and twenty-five cents ($1.25)" in lines three and four, and inserting in lieu thereof "one dollar and fifty cents ($1.50)"; and by striking out the words and figures "five dollars ($5.00)" in lines five and six of Subsection (d), and inserting in lieu thereof "ten dollars ($10.00)."

Rewriting Section 113 - 162.

SEC. 4. Section one hundred and thirteen - one hundred and sixty-two of the General Statutes of North Carolina is hereby amended by rewriting said section to read as follows:

SEC. 113-162. Licenses for various appliances and their users; schedule. The following license tax is hereby levied annually upon the different fishing appliances used in the waters of North Carolina:

Schedule of license fees for various nets and other appliances.

Anchor gill nets, one dollar for each hundred yards or fraction thereof.

Stake gill nets, fifty cents for each hundred yards or fraction thereof: *Provided,* that when any person uses more than one such net the tax shall be imposed upon the total length of all nets used and not upon each net separately.

Drift gill nets, one dollar for each hundred yards or fraction thereof.

Pound nets, two dollars on each pound; the pound is construed to apply to that part of net which holds and from which the fish are taken.

Submarine pounds, or submerged trap nets, two dollars for each trap or pound.

Seines, drag nets and mullet nets under one hundred yards, one dollar each.

Seines, drag nets and mullet nets over one hundred yards and under three hundred yards, one dollar per hundred yards or fraction thereof.

Seines, drag nets and mullet nets over three hundred yards and under one thousand yards, one dollar per one hundred yards or fraction thereof.

Seines, drag nets and mullet nets over one thousand yards, one dollar per one hundred yards or fraction thereof.

Fyke nets, one dollar each.

Resident motor boats used in taking shrimp, five dollars for each boat.

Motor boats used in hauling nets, five dollars for each boat.

Power boats used in sink net fishing in Atlantic Ocean, five dollars for each boat.

For each trawl used in taking fish or shrimp, five dollars.

And for other apparatus used in fishing, the license shall be the same as that for the apparatus or appliance which it most resembles for the purpose used.

SEC. 5. Section one hundred and thirteen - one hundred and sixty-three of the General Statutes of North Carolina is hereby

Rewriting a portion of Section 113 - 163 relating to license fees.

amended by rewriting that part of the section following the word "On" in line seven and ending at the proviso, to read as follows:

"oysters, five dollars;

escallops, five dollars;

clams, five dollars;

crabs, five dollars;

fish, ten dollars;

shrimp, five dollars."

Amending Section 113 - 164.

SEC. 6. Section one hundred and thirteen - one hundred and sixty-four of the General Statutes of North Carolina is hereby amended by changing the word "two" in line one of the second paragraph, to read "four"; and by changing the words "one cent" in line two of the second paargraph, to read "two cents"; and by changing the word "four" in line three of the second paragraph to read "six"; and by changing the words "one and one-quarter" in lines three and four of the second paragraph, to read "two"; and by changing the word "five" in line four of the second paragraph, to read "ten"; and by striking out the words, "oysters, escallops, or clams," in lines two and three of the third paragraph and inserting in lieu thereof the words, "oysters or escallops." That two cents (2c) per bushel of the amount collected from the tax levied on each bushel of oysters shall be used for the purpose of improving, replenishing or spreading oyster shells on the oyster bottoms of Pamlico Sound, its bays, and its tributaries or any other oyster bottoms found to be necessary.

Amending Section 113 - 165.

SEC. 7. Section one hundred and thirteen - one hundred and sixty-five of the General Statutes of North Carolina is hereby amended by changing the word "twenty-five" in line four, to read "one dollar and fifty"; and by changing the word "two" in line seven, to read "five"; and by changing the words "one dollar" in the last line, to read "five dollars."

Amending Section 113 - 242.

SEC. 8. Section one hundred and thirteen - two hundred and forty-two of the General Statutes of North Carolina is hereby amended by changing the words "seventy-five cents" in line twenty-seven, to read "one dollar"; and by inserting the words "and five dollars on each purse seine," to immediately follow the word "operate," in line twenty-eight.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 354 **CHAPTER 1009**

AN ACT TO AUTHORIZE AND ENABLE THE STATE BOARD OF AGRICULTURE TO CONSTRUCT AND FINANCE FACILITIES AND IMPROVEMENTS FOR THE STATE FAIR OUT OF FUNDS OTHER THAN FROM THE GENERAL REVENUES OF THE STATE.

WHEREAS, the continual progress and growth of the State of North Carolina require an adequately equipped State Fair to reflect this progress and growth by educational exhibitions and presentations; and

WHEREAS, to keep step with the rapid development of the State in its many diversified resources and enterprises, it is necessary that a long-range program for the expansion of the State Fair be evolved to the end that improvements and facilities be provided for the staging of all types of educational shows, contests and exhibitions not only for short periods but on a year-round basis: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing State Board of Agriculture to issue bonds for improvements at State Fair.

SECTION 1. That for the purpose of building, enlarging and improving the facilities on the properties of the State Fair, the State Board of Agriculture is hereby empowered and authorized to borrow a sum of money not to exceed one hundred thousand dollars ($100,000.00), and to issue revenue bonds therefore, payable in series at such time or times and bearing such rate of interest as may be fixed by the Governor and Council of State: *Provided,* that no part of the payments of the principal or interest charges on said loan shall be made out of the general revenue of the State of North Carolina, and the credit of the State of North Carolina and the State Department of Agriculture or the Agricultural Fund, other than the revenue of the State Fair Funds, shall not be pledged either directly or indirectly for the payment of said principal or interest charges. The receipts, funds, and any other State Fair assets may be pledged as security for the payment of any bonds that may be issued.

Relating to contracts involved in improving State Fair properties.

SEC. 2. That for the further purpose of acquiring, constructing, operating and financing said properties and facilities for the North Carolina State Fair, the Board of Agriculture may enter into such agreements, contracts and leases as may be necessary for the purpose of this Act, and may pledge, appropriate, and pay such sums out of the gate receipts or other revenues coming to the State Board of Agriculture from the operation of any facilities of the State Fair as may be required to secure, repay, or meet the principal and interest charges on the loan herein authorized.

Authorizing State Board of Agriculture to receive gifts for support of State Fair.

SEC. 3. The State Board of Agriculture may receive gifts and endowments, whether real estate, moneys, goods or chattels, given or bestowed upon or conveyed to them for the benefit of the State Fair, and the same shall be administered in accordance with the requirements of the donors.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 378 CHAPTER 1010

AN ACT TO COORDINATE THE ACTIVITIES OF STATE DEPARTMENTS IN THE MAINTENANCE OF SANITARY QUALITY AND ECONOMIC UTILITY OF NORTH CAROLINA WATER COURSES.

The General Assembly of North Carolina do enact:

Relating to prudent use of our water courses.

SECTION 1. It is hereby declared to be the public policy of the State that our water courses chall be prudently utilized in the best interest of the people.

Creating State Stream Sanitation and Conservation Committee.

SEC. 2. The activities of the State Board of Health and the Department of Conservation and Development shall be coordinated through a committee hereby designated as the State Stream Sanitation and Conservation Committee. It shall be the duty of this committee, acting through the facilities of the member agencies, to locate and study instances of stream pollution tending to impair their best usage; shall determine the nature and circumstances of the pollution; shall determine in general detail the technical and economic feasibility of remedying or improving the situation; and shall appraise the stream with respect to present and probable future dominant use, and shall make recommendations as to the future course to be followed with regard to stream sanitation.

Membership of said Committee.

SEC. 3. For the purpose of carrying out the provisions of this Act, there is hereby created a permanent committee to be known as the State Stream Sanitation and Conservation Committee. The committee shall be composed of members appointed by the Governor of North Carolina and there shall be appointed as ex officio members the following: The Director of the Department of Conservation and Development, the State Health Officer, the Chief Engineer of Conservation and Development, the Chief Engineer of the State Board of Health, one member from the engineering staff of the School of Public Health, Uni-

versity of North Carolina, and one member representing the State Planning Board. The ex officio members shall serve as long as the committee continues to function. In addition to the ex officio members, there shall be appointed certain members representing the public and industry, as follows: One member representing the pulp paper industry, one member representing the textile industry, three members representing the municipalities, one member representing agriculture, one member representing industry at large, one member representing the tanning industry, one member representing the clay industry, and one member representing the fertilizer industry. The terms of office of the members representing the public and industry shall be so arranged and fixed by the Governor that the terms of two members shall expire each year. Thereafter, in each year, the Governor shall in like manner appoint two persons to fill the vacancies thus created. All vacancies occurring in the entire membership of the committee by reason of death, resignation or other than the expiration of the term of office shall be filled by the Governor, and some person shall be appointed from the industry or agency represented to fill said vacancy. Appointments to fill vacancies where there is a fixed term of office shall be for the unexpired term of the member replaced.

Terms of office of Committee.

SEC. 4. Th committee shall within thirty days after its appointment meet and organize and shall elect a chairman and secretary, and shall adopt its own rules and procedure to be followed in carrying out the duties of the committee.

Organization of Committee.

SEC. 5. In the interest of efficient use of personnel, and facilities in execution of surveys, studies, and research, the committee is authorized to cooperate with technical divisions of State institutions, and with municipalities, industries, Federal agencies, adjoining states, and others.

Relating to cooperation with other agencies.

SEC. 6. Should any clause, section, or part of this Act be found unconstitutional, all remaining sections or parts shall have full force and effect.

Constitutionality.

SEC. 6½. This Act shall not affect pending litigation.

Not to affect pending litigation.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 386 **CHAPTER 1011**

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT A COMMISSION TO STUDY THE NEEDS FOR AREA VOCATIONAL SCHOOLS AND TO ALLOCATE FUNDS FROM APPROPRIATIONS ALREADY MADE FOR THE ESTABLISHMENT AND MAINTENANCE OF THE SAME.

WHEREAS, there are a large number of persons sixteen years of age and over who are without adequate training for useful employment or gainful occupations, who will soon have to assume the responsibilities of citizenship; and

WHEREAS, the public school system could not, without excessive cost, provide adequately for futher and additional training such as the demands of today make necessary for young people to have in order to be employed in useful and gainful occupations: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing Governor to appoint a Commission to investigate feasibility of establishing area vocational schools.

SECTION 1. That the Governor of North Carolina is hereby authorized to appoint a commission of eight persons, one of whom shall be designated as chairman. The State Director of Vocational Education shall serve as ex officio member of said commission. The said commission shall investigate the feasibility of establishing one or more area vocational schools in North Carolina.

Commission to file occasional reports with the Governor to report its findings and recommendations.

SEC. 2. The report of the commission shall include findings of fact as to the necessity of such school or schools, the probable cost of the establishment and maintenance; the availability of funds from all sources; the types of courses of study needed and recommended; and all other information which will be helpful to the Governor in determining whether or not such school or schools shall be established. The commission shall from time to time as it makes progress file its report with the Governor of North Carolina, setting forth its findings, conclusions, and recommendations.

Authorizing establishment of proposed schools, if same be needed.

SEC. 3. If, from the reports filed by the commission, the Governor finds that the need for such school or schools exists, he, in his discretion, may then authorize the State Board of Education acting as a State Board for Vocational Education, to establish one or more such schools in accordance with the recommendations and conclusions of the commission. For this purpose, the State Board of Education acting as a State Board for Vocational Education shall use such funds as the Governor and Council may make available from the vocational education funds, Federal grants, private donations, or gifts of land, buildings and equipment which may be available for the establishment, opera-

tion and maintenance of said school or schools. The State Board of Education acting as a State Board for Vocational Education, shall promulgate needful rules and regulations to establish and operate such school or schools in accordance with the State plans for vocational education, and may utilize the already established administrative units or may establish other administrative units as in its judgment seem necessary for meeting the needs of the situation. When such school or schools may be established, the State Board of Education acting as a State Board for Vocational Education shall operate and manage the said school or schools, employ necessary personnel, fix salaries, and do all things necessary and needful to operate the said school or schools.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 396 **CHAPTER 1012**

AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE TO REFUND TWO HUNDRED THIRTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS TAX PAID ON GASOLINE USED IN STATIONARY ENGINES.

WHEREAS, C. L. Russ of Greenville, North Carolina, during the quarter ending June twelfth, one thousand nine hundred and forty-four, used forty-seven hundred and fifteen gallons (4,715) of taxpaid gasoline in certain stationary engines used for operating mechanical shovel, pumping sand and operating rock crusher, on which the tax refund amounted to two hundred thirty-five dollars and seventy-five cents ($235.75); and

WHEREAS, claim for gasoline tax refund was prepared prior to the end of the quarter, but due to the absence of the said C. L. Russ from his place of business during the time for filing request for permit, which absence was occasioned by the said C. L. Russ being away from his office on other business, and the office force, although directed to do so, overlooked or omitted to file the request for permit, and payment was declined for the reason that no permit had been issued, which ommission was through no fault of the said C. L. Russ: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing Commissioner of Revenue to refund certain gas taxes.

SECTION 1. That Commissioner of Revenue is hereby authorized and directed to refund to C. L. Russ of Greenville, North Carolina, the sum of two hundred thirty-five dollars and seventy-five cents ($235.75), or so much thereof as may be due as per application filed with the Commissioner of Revenue and received by him prior to the thirty-first day of June, one thousand nine hundred and forty-four, as would have been paid had the permit been issued, the said amount being the gasoline tax at five cents (5c) per gallon of forty-seven hundred and fifteen gallons of taxpaid gasoline used by the said C. L. Russ during the quarter ending June thirty-first, one thousand nine hundred and forty-four, in operating mechanical shovel, pumping sand and operating rock crusher, run by stationary engines.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 401 **CHAPTER 1013**

AN ACT TO REPEAL CERTAIN SECTIONS OF CHAPTER ONE HUNDRED AND THIRTEEN OF THE GENERAL STATUTES RELATIVE TO FISHING IN THE WATERS OF CERTAIN COUNTIES OF THE STATE WHICH CONFLICT WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF CONSERVATION AND DEVELOPMENT.

The General Assembly of North Carolina do enact:

Repealing certain sections of Chapter 113 of General Statutes relative to fishing that conflict with the regulations promulgated by State Board of Conservation and Development.

SECTION 1. Section one hundred and thirteen - two hundred and ninety-one, one hundred and thirteen - two hundred and ninety-two, one hundred and thirteen - two hundred and ninety-three, one hundred and thirteen - two hundred and ninety four, one hundred and thirteen - two hundred and ninety-five, one hundred and thirteen - two hundred and ninety-seven, one hundred and thirteen - two hundred and ninety-nine, one hundred and thirteen - three hundred and three, one hundred and thirteen - three hundred and four, one hundred and thirteen - three hundred and twenty-three, one hundred and thirteen - three hundred and twenty-six, one hundred and thirteen - three hundred and thirty-one, one hundred and thirteen - three hundred and thirty-two, one hundred and thirteen - three hundred and forty-five, one hundred and thirteen - three hundred and forty-six, one hundred and thirteen - three hundred and fifty-two, one hundred and thirteen - three hundred and fifty-three, one hundred and thirteen - three hundred and fifty-four, one hundred and thirteen - three

hundred and sixty-one, one hundred and thirteen - three hundred and seventy-two, one hundred and thirteen - three hundred and seventy-three, one hundred and thirteen - three hundred and seventy-four, one hundred and thirteen - three hundred and seventy-six of the General Statutes are hereby repealed, the same being sections which conflict with the rules and regulations now in force and which may be promulgated by the State Board of Conservation and Development relating to fishing in certain waters of the following counties: Beaufort, Bladen, Brunswick, Clay, Columbus, Cumberland, Dare, Greene, Harnett, Hertford, Hoke, New Hanover, Northampton, Pender, Robeson, Sampson, Scotland and Wayne.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 427 **CHAPTER 1014**

AN ACT TO PROVIDE FOR THE APPORTIONMENT OF THE EXPENSES OF THE COURT REPORTER FOR THE SUPERIOR COURT OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Providing for prorating expenses of court reporter in Rutherford County.

SECTION 1. The expenses of the court reporter for any term of the Superior Court of Rutherford County shall be charged against each case reported in said court during the term on a pro rata basis to be determined accordingly to the amount of time devoted to each case reported.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 428 **CHAPTER 1015**

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND THIRTY-THREE PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, TO VALIDATE CERTAIN DEEDS AND INSTRUMENTS AND TO VALIDATE AND REGULATE THE REGISTRATION OF PLATS IN RUTHERFORD COUNTY.

Validating certain maps and surveys in Rutherford County.

SECTION 1. That in all cases where land has been surveyed and a plat thereof placed of record in Rutherford County setting forth the outside boundaries or a subdivision of said lands, and where the surveyor's certificate and/or the probate of said plats have become lost or misplaced, or are incomplete, said plats, surveyors' certificates and/or probates are hereby in all respects validated.

Validating copies and transcripts of certain maps and surveys in Rutherford County.

SEC. 2. That in all cases where plats have been recorded in Rutherford County, showing the outside boundary or a subdivision of lands, all copies or transcripts thereof made pursuant to the provisions of Chapter five hundred and thirty-three Public-Local Laws one thousand nine hundred and twenty-seven, and all photostatic copies of said plats which have been made pursuant to an order of the Board of County Commissioners of Rutherford County, notwithstanding any defect in the certificate of the surveyor and/or the probate and registration, the said copies, transcripts or photostatic copies of said plats are hereby validated, and shall be received in evidence in the trial of any cause affecting the lands or the title thereto.

Validating certain deeds and other instruments in Rutherford County made prior to ratification of this Act.

SEC. 3. That in all cases where deeds, mortgages, deeds of trust or other instruments affecting lands, or title to lands located in Rutherford County, the description of which is based upon plats, transcripts or photostatic copies thereof as referred to in this Act, and reference is made to such plats for description, such deeds, mortagages, deeds of trust, or other instruments made prior to the ratification of this Act, are hereby in all respects validated, and shall be received in evidence in the trial of any case affecting the said land or the title thereto.

Regulations relative maps and surveys to be recorded in Rutherford County.

SEC. 4. That all plats which shall hereafter be registered in the office of the Register of Deeds for Rutherford County shall be not more than seventeen inches by twenty-two inches in size, provided, however, that plats may be made in different sections, each section conforming to the above specifications; and the Register of Deeds for Rutherford County shall cause photographic copies to be made of such plats and place the same on the record provided in his office for such purposes; the person offering said plats for registration shall pay the expense of having the photostatic copy made thereof and the reasonable expense of recording said plats; and said photostatic copies shall

when recorded be competent evidence in the trial of any cause to the same extent as the originals.

Not to affect pending legislation.

SEC. 4½. This Act shall not affect pending litigation.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st of March, 1945.

S. B. 432 CHAPTER 1016

AN ACT TO RECOMPENSE W. J. BARTLEY OF HALIFAX COUNTY, NORTH CAROLINA, FOR DAMAGE RESULTING FROM COLLISION BETWEEN HIS AUTOMOBILE AND A PUBLIC SCHOOL BUS.

WHEREAS, on November first, one thousand nine hundred and forty-four, in Halifax County, North Carolina, near the Town of South Rosemary, on the Littleton Highway, an automobile owned and operated by W. J. Bartley of Roanoke Rapids, North Carolina, was in collsion with a public school bus belonging to the State Board of Education and operated by its duly employed driver; and

WHEREAS, it is contended that said collision and the resultant damage was caused solely by the negligence of the driver of said school bus and that by reason of such negligent operation of said bus, W. J. Bartley has suffered damage to his automobile in the sum of at least fifty-three dollars and twenty-five cents, as he contends; and

WHEREAS, it appears that W. J. Bartley is without available remedy at law by which he might recover his said damages: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to W. J. Bartley.

SECTION 1. The said State Board of Education is hereby authorized to investigate the claim of said W. J. Bartley and upon production of proof satisfactory to the board that the collision and resultant damage to the automobile of W. J. Bartley was due solely to the negligent operation of said school bus by its duly employed driver and that the driver of the automobile of the said Bartley was not guilty of contributory negligence, then in such event the said State Board of Education is authorized to pay to said W. J. Bartley such sum not in excess of fifty-three dollars and twenty-five cents as may be found to represent the actual damage suffered by Bartley by reason of such collision.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 433 **CHAPTER 1017**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR THE COUNTY OF RUTHERFORD TO FURNISH CLERICAL ASSISTANCE TO EX-SERVICE MEN AND WOMEN OF THE ARMED FORCES OF THE UNITED STATES IN RELATION TO BENEFITS PROVIDED FOR THEM BY THE FEDERAL GOVERNMENT AND THE STATE OF NORTH CAROLINA AND TO EMPLOY A SERVICE OFFICER THEREFOR.

The General Assembly of North Carolina do enact:

Authorizing Rutherford County to employ a Veterans Service Officer.

SECTION 1. That the Board of Commissioners for the County of Rutherford is hereby authorized and empowered, in their discretion, to employ, for full or part time, a service officer and necessary clerical assistants whose duties shall be to assist ex-service men and women who have served in the Armed Forces of the United States and/or the families and dependents of deceased ex-service men and women in making applications to obtain the benefits provided for them by the Federal Government and/or the State of North Carolina, and to advise with them as to their rights and privileges in relation thereto; and who shall have and keep on hand blank applications and necessary forms designed to aid applicants for such benefits, and to fill out and prepare such applications and supervise and instruct as to the execution thereof, and to do the necessary and needed correspondence concerning such benefits. And the Board of Commissioners for the County of Rutherford shall fix the compensation for such service officer and any assistant to be employed to be paid by the county treasurer from the general funds of the county and may provide office space and necessary office furniture and equipment for such purpose.

Notarial powers.

The service officer, or officers and assistants employed as herein authorized shall have the power and authority to administer oaths and take acknowledgments as to all persons entitled to benefits under the laws herein referred to, to the same extent that the same might be taken by a notary public, and the certificate of such service officer or assistants shall have the same force and effect as a certificate of a notary public.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 436 **CHAPTER 1018**

AN ACT AUTHORIZING THE TRANSFER OF CERTAIN ASSETS TO THE GENERAL FUND OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Rutherford County is hereby authorized and empowered in its discretion to apply, when collected, all delinquent taxes due said county, which have been due and payable for two years or more on the date of collection, together with penalties and cost of said taxes to the general fund of said county. Authorizing Rutherford County to transfer funds from delinquent taxes to general fund.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 437 **CHAPTER 1019**

AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter three hundred and twelve of the Public-Local Laws of one thousand nine hundred and forty-one by striking out all of Section three.

SEC. 2. That all of the adjustments and settlements of taxes made by the Rutherford County Board of Commissioners pursuant to this Act and since the date of its expiration are hereby in all respects validated. Relating to collection of delinquent taxes in Rutherford County.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 440 **CHAPTER 1020**

AN ACT REQUIRING ALL CANDIDATES FOR THE OFFICE OF MAYOR OF THE TOWN OF CLINTON AND ALL CANDIDATES FOR THE OFFICE OF COMMISSIONERS OF THE TOWN OF CLINTON TO FILE NOTICE OF THEIR CANDIDACY.

Requiring candidates for Mayor and Commissioners to file written notice of their candidacy.

SECTION 1. That all candidates for the office of Mayor of the Town of Clinton, and all candidates for the office of Town Commissioner of the Town of Clinton shall file written notice of their candidacy with the town clerk and treasurer of said town on or before twelve o'clock noon, Eastern Standard Time, of the first Monday in April of each year in which a municipal election shall be held for the election of town officials under the charter of the Town of Clinton.

Fixing filing fees.

SEC. 2. That all candidates for the office of mayor shall deposit with their notice of candidacy a filing fee of ten dollars ($10.00) in cash; and all candidates for the office of a commissioner of the Town of Clinton shall likewise deposit with their notice of candidacy a filing fee of five dollars ($5.00) in cash; and the town clerk and treasurer shall enter upon all notices filed with him the date and hour of filing, and that the required deposit has been paid, and all cash deposits so made with the town clerk and treasurer shall be paid by him into general treasury of the town.

Posting names of all qualified candidates.

SEC. 3. That the town clerk and treasurer shall, on or before twelve o'clock noon, Eastern Standard Time, of Tuesday following the first Monday in April of each election year, post a notice in the office of the town clerk showing the names of all persons who have filed notice of their candidacy for the office of mayor, and the names of all persons who have filed notice of their candidacy for the office of Commissioner of the Town of Clinton. And the town clerk and treasurer at the same time of posting said notice of candidacies shall also file with the Mayor of the Town of Clinton a certificate showing the names of all persons who have filed notice of their candidacy for the office of mayor, and the names of all persons who have filed notice of their candidacy for the office of Commissioner of the Town of Clinton; and the certificate so filed with the mayor shall be recorded in the official minute book of the Board of Commissioners of the Town of Clinton.

Certifying names of nominees.

SEC. 4. That the Mayor of the Town of Clinton, upon the filing with him of the certificate as provided in the next preceding section, shall forthwith call a meeting of the board of commissioners of said town, to be held within four days after the filing of said certificate, and the board of commissioners at said meeting shall declare the persons so certified to be the nominees for mayor and town commissioners, respectively, to be voted for in

the following May town election for town officials; and a minute record of said action by the board of commissioners shall be entered in the official minutes of said board meeting.

Ballot.

SEC. 5. That at the said board meeting provided to be held under the next preceding section, the commissioners of said town shall also make provision for the printing of the official ballot to be voted in the following May town election. That official ballot shall be printed upon white paper, and shall be entitled: "Official Ballot for Town Election of Town of Clinton, for Year 19....." The said official ballot shall contain two sections as follows:

The first section shall be entitled, "For Mayor of Town of Clinton," and shall thereafter have printed thereon the names of all candidates who have been declared nominees for the office of mayor under the foregoing provisions of this Act, and a voting square shall be placed in the front of the name of each candidate for mayor; and immediately following the names of the candidates for mayor shall be printed the words: "Vote for not more than one person for mayor by placing a cross mark in the voting square opposite the name of the person for whom you desire to vote."

The second section of the official ballot shall be entitled, "For Commissioners of the Town of Clinton," and shall thereafter have printed thereon the names of all candidates who have been declared nominees for the office of Commissioner of the Town of Clinton under the foregoing provisions of this Act, and a voting square shall be placed in front of the name of each candidate for the office of town commissioner; and immediately following the names of all candidates for Commissioners of the Town of Clinton, shall be printed the words: "Vote for not more than four persons for Commissioners by placing a cross mark in the voting square opposite the names of the four persons for whom you desire to vote."

Printing ballots.

SEC. 6. That the Town of Clinton, at its own expense, shall cause to be printed for the use of voters in the town election a sufficient number of official ballots, and not less than one and one-fourth times as many ballots as there are registered voters appearing on the official registration book of said town, which official ballots shall be delivered to the registrar for said election prior to the date of election, and no other ballots than the official ballots thus provided shall be voted or counted in the town election, nor shall any person be eligible for the office of Mayor or Town Commissioner of the Town of Clinton who has failed to file notice of his candidacy, paid the required filing fee, and been certified as a candidate, as required by Sections one, two and three of this Act.

Election.

SEC. 7. That all town elections shall be conducted and held in accordance with the provisions of the charter of the Town of Clinton, except as modified, amended or repealed by the provisions of this Act, and as far as practicable in accordance with the law governing State and county elections, not inconsistent with the provisions of the charter of the Town of Clinton and the provisions of this Act.

Canvassing election returns.

SEC. 8. That when the polls have been closed the ballot box shall be opened in the presence of the registrar and both judges of election, and such electors as may desire to be present. The ballots shall be counted and tabulated, and upon conclusion of the counting, that candidate for mayor who shall have received the largest number of votes cast for the office of mayor shall be declared elected to the office of mayor, and those four candidates for office of Commissioner of the Town of Clinton who shall have received the largest number of votes for the office of town commissioner shall be declared elected Commissioners of the Town of Clinton for the next ensuing term of said officers. And the registrar and judges of said election shall certify the result of said election to the board of commissioners; and a certificate showing the number of votes received by each candidate for mayor and each candidate for town commissioner shall be signed by the election officials and returned to and filed with the town clerk on or before noon of the day following the said election, and said certificate shall be filed and recorded in the official minute book of the board of commissioners, as a permanent record of the result of said election.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws inconsistent with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall be in force from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 442 **CHAPTER 1021**

AN ACT TO PROVIDE A WAR BONUS FOR THE PAGES AND OTHER SENATE AND HOUSE OF REPRESENTATIVES EMPLOYEES FOR THE SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

WHEREAS, the work of the employees of the one thousand nine hundred and forty-five General Assembly has been unusually arduous; and

WHEREAS, the cost of living has increased tremendously; and

WHEREAS, the General Assembly feels that the salaries of its employees should be increased because of the additional cost of living: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the employees of the one thousand nine hundred and forty-five General Assembly shall be paid war bonuses as follows: Bonus for employees of 1945 General Assembly.

All pages and employees of the Senate and House of Representatives shall be paid one dollar ($1.00) per day.

SEC. 2. This Act shall apply to the employees of the one thousand nine hundred and forty-five General Assembly.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 445 CHAPTER 1022

AN ACT TO PROHIBIT THE SALE OF WINE WITHIN A RADIUS OF ONE MILE OF THE NEW LONDON HIGH SCHOOL IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale wine within a radius of one mile of the New London High School in Stanly County, North Carolina. Prohibiting sale of wine within radius of one mile of New London High School in Stanly County.

SEC. 2. That any person violating the provisions of this Act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court. Violation constitutes misdemeanor.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 446 **CHAPTER 1023**

AN ACT AMENDING HOUSE BILL NUMBER TWO HUNDRED AND EIGHTY-NINE RELATING TO TAX LIENS AS APPLICABLE TO MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Amending H. B. 289 of 1945 Session, postponing application to tax liens in Mecklenburg County until October 1, 1946.

SECTION 1. House Bill Number two hundred and eighty-nine, enacted in law at the session of the General Assembly of North Carolina of one thousand nine hundred and forty-five is hereby amended by adding at the end of Section two the following:

The provisions of this Act shall not apply to tax liens of Mecklenburg County and the municipalities therein until October first, one thousand nine hundred and forty-six.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 451 **CHAPTER 1024**

AN ACT TO VALIDATE TAX LISTS AND LISTINGS OF PROPERTY AND LEVIES AND SALES OF TAXES IN THE TOWN OF AULANDER FOR CERTAIN YEARS.

The General Assembly of North Carolina do enact:

Validating certain tax lists, levies and sales in Aulander.

SECTION 1. That all tax lists and the listings of property appearing thereon or on any other tax documents of the Town of Aulander for the years one thousand nine hundred forty-two, one thousand nine hundred and forty-three and one thousand nine hundred and forty-four, and all tax levies for said years, are hereby in all respects ratified, validated and confirmed.

Validating certain proceedings relative tax sales in Aulander.

SEC. 2. That all advertisements and sales of property for failure to pay taxes for the years one thousand nine hundred forty-two and one thousand nine hundred forty-three held by the officials of the Town of Aulander and all certificates of sales executed pursuant thereto are hereby in all respects ratified, validated and confirmed.

Not to affect pending litigation.

SEC. 3. That nothing in this Act shall apply to or affect pending litigation.

Constitutionality.

SEC. 4. That if any part or section of this Act is held to be unconstitutional, such holding shall not affect the remainder of this Act.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 452 **CHAPTER 1025**

AN ACT TO RESTRICT THE POWERS OF CONSTABLES IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the constables elected in Davidson County shall have power and authority to serve process, to make arrests and to perform the other functions of the office of constable only in the townships in which they are elected.

Restricting powers of constables in Davidson County to their respective townships.

It is the intent and purpose of this Act to make the powers and duties of constables coextensive only with the limits of the townships in which they are elected.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 453 **CHAPTER 1026**

AN ACT TO REPEAL SENATE BILL NUMBER THREE HUNDRED AND EIGHTY-THREE ENTITLED AN ACT TO RESTORE CORPORATE EXISTENCE TO THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. That Senate Bill Number three hundred eighty-three entitled an Act to restore corporate existence to the State Board of Education, ratified on the nineteenth day of March, one thousand nine hundred and forty-five, is hereby repealed.

Repealing S. B. 283, restoring corporate existence of State Board of Education.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Ratified this the 21st day of March, 1945.

S. B. 359 **CHAPTER 1027**

AN ACT TO PROVIDE THAT THE STATE OF NORTH CAROLINA SHALL BECOME SELF INSURANT AGAINST LOSS BY FIRE OF STATE OWNED BUILDINGS, FURNITURE, FIXTURES, AND EQUIPMENT THEREIN, AND AUTHORIZING TRANSFER OF APPROPRIATIONS TO BE USED FOR SUCH PURPOSES.

WHEREAS, the State of North Carolina paid large sums of money as premiums on fire insurance at State departments and institutions and the losses from fire over a long period have been negligible; and

WHEREAS, the State has fireproofed a large number of buildings now in use at State institutions; and

WHEREAS, the State now, and has been for a number of years building a fireproof type of building which has little possibility of being seriously damaged by fire; and

WHEREAS, the insurance premiums now being paid by the State are extremely large in view of the above facts; and

WHEREAS, it is considered to the best interest of the State that the State become a self insurant against fire losses and accumulate a fund out of the moneys now being paid for fire insurance to provide for these losses: Now, therefore,

The General Assembly of North Carolina do enact:

Rewriting Section 58 - 189 relating to insurance on State property.

SECTION 1. That Section fifty-eight - one hundred and eighty-nine of the General Statutes of North Carolina is hereby repealed and the said section shall be rewritten to read as follows:

Directing that fire insurance policies on State property be not renewed.

58-189. That upon the expiration of all existing policies of fire insurance upon State owned buildings, fixtures, furniture, and equipment therein, including all such property the title to which may be in any State department, institution, or agency, the State of North Carolina shall not reinsure any of such properties.

Creating State Property Fire Insurance Fund to be invested as sinking funds are invested.

That there is hereby created a "State Property Fire Insurance Fund," which shall be as a special fund in the State Treasury, for the purpose of providing a reserve against loss from fire at State departments and institutions. The Sinking Fund Commission shall invest all funds deposited in the "State Property Fire Insurance Fund" in the same type of securities in which State Sinking Funds may be invested and all earnings of the fund shall become a part of the fund and be held and invested as contributions are invested. That the unexpended appropriations of State departments and institutions for fire insurance premiums for the fiscal year one thousand nine hundred and forty-four -

forty-five and the appropriations for fire insurance premiums made for the biennium one thousand nine hundred and forty-five - forty-seven or that may thereafter be made for this purpose shall be transferred to the "State Property Fire Insurance Fund."

Appropriations for fire protection to be placed in said Fund.

SEC. 2. That Sections fifty-eight - one hundred and ninety of the General Statutes is hereby repealed and said section shall be rewritten to read as follows:

Rewriting Section 58 - 190.

58-190. That upon the expiration of the existing fire insurance policies on said properties and in making appropriations for any biennium after the next biennium, the Commissioner of Insurance shall file with the Budget Bureau his estimate of the appropriations which will be necessary in order to set up and maintain an adequate reserve to provide a fund sufficient to protect the State, its departments, institutions, and agencies from loss or damage to any of said properties up to fifty per centum of the value thereof. That appropriations made for the creating of such fire insurance reserves against property of the Department of Agriculture, or the State Highway and Public Works Commission or any special operating fund shall be charged against the funds of such departments.

Insurance Commissioner to submit to Budget Bureau his estimate for funds necessary to create adequate reserves for State protection.

SEC. 3. That Section fifty-eight - one hundred and ninety-one of the General Statutes is hereby repealed and in lieu thereof the said section shall read as follows:

Rewriting Section 58 - 191.

58-191. That in case of total loss of any property of any State institution or partial loss thereof or the loss or damage of any other aforesaid State owned property, the Commissioner of Insurance is authorized, empowered and directed to determine the amount of the loss and to certify the amount of loss to the department or institution concerned, to the Budget Bureau and to the Governor and Council of State. The Governor and Council of State may authorize transfers from the "State Property Fire Insurance Fund" to the State agency having suffered a fire damage in such amount as they may consider necessary to restore the loss sustained, and in the event there is not a sufficient sum in said State Property Fire Insurance Fund, the Governor and Council of State may supplement said fund from the Contingency and Emergency Fund, and if there is not a sufficient amount therein, then from the State Post-War Reserve Fund. Such funds as shall be allocated from such reserve fund shall be paid therefrom upon warrant of the State Auditor.

In case of fire, the Insurance Commissioner to estimate loss; and appropriate amount shall be paid from the Fire Insurance Fund.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 95 **CHAPTER 1028**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF SPARTA IN ALLEGHANY COUNTY TO REFUSE TO ISSUE LICENSES FOR THE SALE OF BEER AND/OR WINE THEREIN IN THEIR DISCRETION.

The General Assembly of North Carolina do enact:

Authorizing Sparta to regulate or prohibit sale of wine.

SECTION 1. From and after the effective date of this Act, the governing body of the Town of Sparta, Alleghany County, shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said town.

Power to regulate.

SEC. 2. The governing body of the Town of Sparta may adopt rules and regulations regulating the sale of wine within the territory specified in Section one hereof by fixing the hours of sale, and places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 3. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 4. Any person, firm or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 160 **CHAPTER 1029**

AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA, FIX THEIR TERMS OF OFFICE, AND LIMIT COMPENSATION AT STATE EXPENSE.

The General Assembly of North Carolina do enact:

SECTION 1. That the hereinafter named persons are hereby appointed members of the county boards of education for the several counties in the State as follows, to-wit: Appointing County Boards of Education.

Alamance—Henry B. Dixon, Henry H. Scott, each for a term of six years. Alamance.

Alexander—W. S. Patterson, for a term of six years; E. L. Hedrick, for a term of four years. Alexander.

Alleghany—R. Gwyn Cox, for a term of six years. Alleghany.

Anson—M. D. Steagall, for a term of six years, A. E. Hendley, for a term of four years. Anson.

Ashe—A. J. Blevins, L. P. Colvard, W. G. Vannoy, R. P. Lewis, H. H. Burgess. Ashe.

Avery—R. T. Lewis, for a term of six years. Avery.

Beaufort—Charles F. Cowell, Ralph H. Hodges, Dr. W. T. Ralph, Ottis Barr, Dan M. Windley, Jr. Beaufort.

Bertie—J. P. Rascoe, for a term of six years. Bertie.

Bladen—Neil Clark, S. S. Hutchinson, J. S. Melvin. Bladen.

Brunswick—R. I. Phelps, for a term of six years. Brunswick.

Buncombe—Glenn West, John M. James, B. E. Morgan, Charles C. Bell, R. C. Torian. Buncombe.

Burke—G. D. Carpenter, for a term of six years; C. P. Whisenant, for a term of six years; C. L. Yount, for a term of four years; M. S. Arney; Lester H. McNeely, for a term of four years. Burke.

Cabarrus—Allen H. Harris, H. B. Robertson, each for a term of six years. Cabarrus.

Caldwell—Dr. J. F. Reece, E. L. Steele, John A. Frazier, Davis F. Tuttle, M. H. Jones. Caldwell.

Camden—W. I. Sawyer, B. H. Cartwright, J. J. Walston. Camden.

Carteret—No terms expiring. Carteret.

Caswell. Caswell—V. M. Stephens, for a term of six years.

Catawba. Catawba—E. M. Yoder, Richard C. Boyd, R. A. Sigmon, J. C. Howard, G. W. Mann, John F. Carpenter.

Chatham. Chatham—W. A. Hinton, for a term of six years; C. A. Snipes, for a term of four years; Wade Paschal.

Cherokee. Cherokee—Noah Hembree, B. B. Palmer, Lawson Lunsford.

Chowan. Chowan—T. W. Jones, R. C. Privott, T. S. Leary, R. H. Hollowell, Lloyd Briggs, E. G. Blanchard.

Clay. Clay—Frank Rogers, for a term of six years.

Cleveland. Cleveland—W. H. Lutz, R. L. Plonk, B. Austell, A. L. Calton, C. D. Forney.

Columbus. Columbus—J. T. Wooten, Jr., Isaac C. Gore, Jr., Robert J. Lamb, Frank B. Gault, W. A. Williams.

Craven. Craven—C. A. Seifert, J. H. West, L. B. Pate, R. R. King, Fred H. Whitehurst, J. L. Peterson, Raymond E. White.

Cumberland. Cumberland—No terms expiring.

Currituck. Currituck—Orville L. Woodhouse, Charlie Roberts, and Herman G. Jones, Sr.

Dare. Dare—E. P. White, for a term of four years; E. N. Baum, for a term of six years; L. W. Hooper, for a term of four years; W. M. Jolliff, for a term of four years.

Davidson. Davidson—Ralph H. Wilson, Dr. F. L. Mock, Dr. P. L. Feezor, each for a term of four years.

Davie. Davie—T. C. Pegram, Mrs. Nannie R. Hayes, G. N. Ward.

Duplin. Duplin—A. P. Cates, for a term of six years.

Durham. Durham—Clifton Ball, Ernest S. Booth, C. C. Council, T. O. Sorrell, Eric L. Tilley.

Edgecombe. Edgecombe—R. C. Brown, for a term of six years.

Forsyth. Forsyth—L. A. Reynolds, Smith Hagaman, Frank A. Stith.

Franklin. Franklin—S. V. Hill, for a term of six years.

Gaston. Gaston—M. A. Stroup, F. A. Whiteside, R. L. Reid, J. Milton Craig, W. J. Pharr, E. J. Rhyne.

Gates. Gates—H. F. Parker, for a term of six years; S. P. Cross; Mrs. Marion Nixon, for a term of four years.

Graham. Graham—Bruce Ayers, for a term of six years.

Granville—J. A. Timberlake, R. G. Rogers, each for a term of four years. Granville.

Greene—John W. Carraway, Ed. S. Taylor, A. C. Oakes, W. H. Graves, Claude Grantham. Greene.

Guilford—J. H. Joyner, E. T. Coble, each for a term of six years. Guilford.

Halifax—R. C. Rives, Mrs. Anna Kitchen Josey, Mrs. J. T. Thomason, Thomas B. Moss, Charles L. Kelly. Halifax.

Harnett—Dr. Glenn L. Hooper, Fred S. Thomas, Sidney G. Thomas. Harnett.

Haywood—H. V. Cagle; R. T. Messer, for a term of six years; Vinson Davis, for a term of four years. Haywood.

Henderson—G. O. Morgan, for a term of six years. Henderson.

Hertford—T. N. Charles, R. C. Mason, G. T. Underwood. Hertford.

Hoke—A. W.Wood, Carl G. Riley, D. B. McFayden, A. D. McPhaul, Robert H. Gatlin. Hoke.

Hyde—N. Forest Sears, George Cutrell, Dr. J. W. Miller. Hyde.

Iredell—Henry Morrison, W. T. Warlick. Iredell.

Jackson—James Reed. Jackson.

Johnston—Dr. J. H. Stanley, J. W. Woodard, each for a term of six years. Johnston.

Jones—C. J. Banks, for a term of six years. Jones.

Lee—Dr. Waylon Blue, for a term of six years. Lee.

Lenoir—W. B. Becton, Horace L. Sutton, R. S. Parker, F. P. White, E. C. Taylor. Lenoir.

Lincoln—No terms expiring. Lincoln.

Macon—Gordan Moore, J. E. Cabe, E. B. Bird, Frank Browning, Roy Phillips. Macon.

Madison—W. T. Moore, E. Y. Ponder, J. Clyde Brown, each for a term of four years. Madison.

Martin—George C. Griffin, for a term of six years; Fred W. Holliday, for a term of four years; Leslie W. Hardison, for a term of four years. Martin.

McDowell—W. L. Morris, for a term of six years. McDowell.

Mecklenburg—J. Mason Smith, for a term of six years. Mecklenburg.

Mitchell—Maloy Griffith, for a term of six years. Mitchell.

Montgomery. Montgomery—D. G. Ridenhour, for a term of six years; E. R. Wallace, J. Edgar Maness.

Moore. Moore—H. G. Poole, G. H. Purvis, L. B. McKeithan, F. D. Ferrell, W. Stuart Evans.

Nash. Nash—G. L. Jones, John W. Roberson, G. E. Beal.

New Hanover. New Hanover—Mrs. C. L. Meister, E. A. Laney, J. C. Roe, L. T. Landen, Dr. John T. Hoggard.

Northampton. Northampton—L. F. Bradley, J. A. Shaw, J. Wesley Parker, Jr., W. Harry Stephenson, C. G. Parker, J. D. Madry, Garland L. Ricks.

Onslow. Onslow—W. L. Ketchum, H. A. Ragsdale, C. Graham Jones, R. L. Williams, Sr., Malcolm F. Duff.

Orange. Orange—J. S. Compton, K. S. Cate, C. W. Stanford.

Pamlico. Pamlico—J. A. Tingle, Jr., J. V. Brinson, M. D. Powers, P. C Spruill, B. J. Mercer.

Pasquotank. Pasquotank—Buxton White, J. Haywood Bright, W. L. Davis, each for a term of four years.

Pender. Pender—D. J. Farrior, Charles R. Rogers, T. J. Henry.

Perquimans. Perquimans—S. M. Long, W. E. Dail, and D. L. Barber, each for a term of four years; Julian A. White.

Person. Person—E. E. Bradsher, C. T. Hall, J. D. Fitzgerald, R. L. Hester, Clyde Satterfield.

Pitt. Pitt—W. H. Woolard, for a term of six years; John T. Thorne, for a term of six years; R. L. Little.

Polk. Polk—Hugh Jack, Sidney Feagan, Mrs. A. A. Thompson, R. M. Hall, Dan Ledbetter.

Randolph. Randolph—L. F. Ross, D. J. Boyles, each for a term of six years; J. A. Martin, C. M. Kennedy, Dr. H. W. Jordan, each for a term of four years.

Richmond. Richmond—J. A. Howell, Dr. W. H. Parsons, each for a term of six years.

Robeson. Robeson—Adrain B. McRae, L. E. Hughes, Isham Pitman, Dr. L. J. Moore, W. H. Humphrey, Jr.

Rockingham. Rockingham—J. L. Roberts, C. P. Wall, L. W. Matthews, T. J. Garrett, E. S. Powell.

Rowan. Rowan—J. F. McKnight, Richard W. Barber, each for a term of six years.

Rutherford—T. W. Calton, for a term of six years. Rutherford.

Sampson—B. E. Jackson, Walter Peterson, John C. Warren, J. Clem Butler, J. Hamp Lewis. Sampson.

Scotland—Edwin Morgan. for a term of six years; J. M. Gardner; W. C. Shaw, Jr., for a term of four years. Scotland.

Stanly—Claude Teeter, Henry W. Culp, each for a term of six years. Stanly.

Stokes—P. O. Frye, for a term of six years; Dr. G. E. Stone, for a term of four years; J. Van Tuttle. Stokes.

Surry—J. G. Wood, C. A. McNeil, L. A. Norman, J. A. Pell, Jr., P. N. Taylor. Surry.

Swain—S. W. Black, J. L. Orr, Oscar Freeman. Swain.

Transylvania—Mrs. J. K. Mills, D. H. Winchester, A. A. Trantham. Transylvania.

Tyrrell—R. L. Spencer, E. R. Davenport, Frank Alexander. Tyrrell.

Union—J. Vern Brooks, R. P. Stegall, H. Grady Hawfield, B. Ward Laney, Page Price. Union.

Vance—John D. Rose, E. B. Taylor, each for a term of six years. Vance.

Wake—C. V. Whitley, A. V. Baucom, each for a term of six years. Wake.

Warren—J. E. Rooker, Jr., District Number one; J. J. Nicholson, District Number two; Harry W. Walker, District Number three; R. L. Powell, District Number Four; A. S. Bugg, District Number Five. Warren.

Washington—James W. Norman for a term of two years, L. E. Hassell, for a term of six years, P. B. Belanga, for a term of four years. Washington.

Watauga—J. B. Horton, W. R. Cottrell, Dr. W. A. Deaton, S. Collis Green, Clyde Perry. Watauga.

Wayne—W. R. Allen, R. L. Cox. Wayne.

Wilkes—D. F. Sheppard, for a term of six years. Wilkes.

Wilson—Melvin V. Wilkerson, for a term of six years; B. A. Harrelson, Jr., for a term of four years; R. F. Speight, for a term of six years. Wilson.

Yadkin—Paul P. Davis, G. C. Wallace, O. E. Boles. Yadkin.

Yancey—Phillip M. Hensley, Job Thomas, Fred Ayers. Yancey.

Foregoing members to take office on or before first Monday in April, 1945; and unless otherwise indicated to serve 2 years.

SEC. 2. That the members of the several county boards of education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in April, one thousand nine hundred and forty-five, and shall, unless otherwise herein provided, hold office for a term of two years from and after the first Monday in April, one thousand nine hundred and forty-five, and until their successors are elected and qualified, and, together with the members of the board of education of the several counties whose terms will not expire on the first Monday in April, one thousand nine hundred and forty-five, shall constitute the board of education of the respective counties.

Per diem for a maximum of 5 to be paid from State School Fund; others from county school fund.

SEC. 3. That the per diem and mileage of not exceeding five members of the county board of education of the several counties of the State shall be borne out of the State School Fund; for any number in excess of five, out of the county school fund.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 321 CHAPTER 1030

AN ACT TO AMEND AND REWRITE SECTIONS ONE HUNDRED AND THIRTY - SIXTY-SIX, ONE HUNDRED AND THIRTY - EIGHTEEN AND ONE HUNDRED AND THIRTY - TWENTY-ONE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO PUBLIC HEALTH, AND TO PROVIDE FOR DISTRICT OR COUNTY BOARDS OF HEALTH.

The General Assembly of North Carolina do enact:

Rewriting Section 130 - 66 regarding local and district health departments.

SECTION 1. Section one hundred and thirty - sixty-six of the General Statutes of North Carolina is hereby rewritten to read as follows:

SEC. 130-66. Local and district health departments authorized.

Authorizing creation of local and district health departments.

1. The State Board of Health is hereby authorized to use any available funds at its command, not otherwise appropriated, to establish fulltime local and district health department service for any town, city and county, or group of such units in the State where the local governing powers desire the formation of such a department and are willing to assist financially in the enterprise, to an amount at least equal to the amount of State financial assistance.

When district health departments are to be created.

2. When district health departments including more than one county shall be formed. Under the rules and regulations established by the State Board of Health of North Carolina, district health departments or units including more than one county may be formed when the following conditions exist:

When funds are not adequate for county health departments.

(a) When the funds derived from the tax levy made under the authority of Section one hundred and thirty - twenty-nine of the General Statutes of North Carolina or such greater rate as a county may levy, plus available State and other funds, are insufficient to provide a minimum standard department of one medical officer, two nurses, one sanitary officer, one clerk, and a regular dental program.

When there are inter-county problems and participating counties approve.

(b) When in the opinion of the State Board of Health of North Carolina special problems or special projects arise which can be handled more advantageously on a district basis and the consolidation is approved by the State Health Officer and the health department or board of health of each county involved.

Organization plans for district health departments.

3. Where two or more counties are combined into a district health department, the State Health Officer shall choose three or more ex-officio members, naming at least one from each participating county, including one chairman of a county board of commissioners, one mayor of a town which is the county seat, and one county superintendent of schools. These ex-officio members shall hold an annual election meeting the first week in January of each year for the purpose of electing public members; the public members shall be four in number, one of whom shall be a dentist, one a physician, one a registered pharmacist, and the other one shall be a public spirited citizen. Where either of the three specified public members, namely a physician, or a dentist, or a pharmacist, cannot be elected because there is no such person resident in the county, this place shall be filled with a public spirited citizen. The first election meeting of the ex-officio members shall be the first week in January, one thousand nine hundred and forty-six, and at this meeting one of the public members shall be elected or appointed for a period of four years, one for three years, one for two years, and one for one year; thereafter one member shall be elected each year for a term of four years; in cases where more than three counties are combined into a district there shall be at least one ex-officio member, who is a chairman of the board of county commissioners, mayor of the town which is the county seat, or a county superintendent of schools, from each county; in cases where more than one city in a county participates by law in the support of the health department, the mayor of each such participating city or town shall be ex-officio a member of the board of health; in all instances the ex-officio members shall elect four members as hereinbefore provided; the board of health shall elect its chair-

man, who shall not have the right to vote except in case of a tie; a majority of the members of the district board of health shall constitute a quorum and the district health officer shall act as secretary to such board of health.

Regulations.

4. The rules, regulations and ordinances of the district board of health shall apply to municipalities within a county or counties composing the district, but the district board of health shall not have power to pass special ordinances covering a municipality only, such authority being implicit in and retained by the governing body of the municipality. The district board of health shall have the immediate care and responsibility of the health interests of its district. It shall meet annually in some city or town in the district designated by it, and three members of the board are authorized to call a meeting of the board whenever in their opinion the public health interests of the district require it. It shall make such rules and regulations, and pay all lawful fees and salaries, and enforce such penalties as in its judgment shall be necessary to protect and advance the public health.

District Health Officer.

5. The district board of health shall elect a health officer meeting the qualifications set forth by the Merit System Council as provided by Chapter one hundred and twenty-six of the General Statutes of North Carolina, and also subject to the approval of the State Health Officer. The term of office shall be at the pleasure of the district board of health. Emergency and temporary appointments may be made when necessary with the approval of the State Health Officer. When, in the case of a vacancy, the district board of health fails to elect a health officer within sixty days after receiving notification from the State Health Officer that a vancancy exists, it shall be the duty of the State Health Officer to appoint a health officer for the district. In counties composing a district the election of a county physician shall be by the board of commissioners of each county and the resident members of the district board of health in a joint session. Such election shall take place during January of the odd years of the calendar and shall be for a two-year term. The salary of the county physician shall be paid by the board of county commissioners at such time and in such sum or amount as may be mutually agreed upon between the board of county commissioners and the county physician. The members of the district board of health while on duty shall each receive a per diem of four dollars ($4.00).

Rewriting Section 130 - 18.

SEC. 2. Section one hundred and thirty - eighteen of the General Statutes of North Carolina is hereby rewritten to read as follows:

County Board of Health.

SEC. 130-18. County board of health; Organization; Term of members; Chairman.

Organization, terms of office, etc.

1. All counties having a separate health department shall organize and operate a county board of health composed of three ex-officio members, the same being the chairman of the board of county commissioners, mayor of the city or town which is the county seat (if there is no such mayor, then the clerk of the superior court of the county), and the county superintendent of public instruction; these ex-officio members shall hold an annual election meeting the first week in January in each year for the purpose of electing or appointing public members; the public members shall be four in number, one of whom shall be a dentist, one a physician, one a registered pharmacist, and the other one shall be a public spirited citizen. Where either of the three specified public members, namely a physician, or a dentist, or a pharmacist, cannot be elected because there is no such person resident in the county, this place shall be filled with a public spirited citizen. The first meeting of the ex-officio members for the election or appointment of public members shall be in the first week in January, one thousand nine hundred and forty-six, and at this meeting one of the public members shall be elected or appointed for a period of four years, one for three years, one for two years, and one for one year; thereafter one member shall be elected each year for a term of four years; in cases where more than one city or town participates by law in the financial support of the health department, the mayor of such participating city or town shall be an ex-officio member of the board of health; in any instance the ex-officio members shall elect the four public members as provided above; the board shall elect its own chairman, who shall not have the right to vote except in case of a tie; any four members of the board shall constitute a quorum and the county health officer shall act as secretary to such board of health; *provided,* that those counties which now have special city-county boards of health, as authorized by any private, local, or Public-Local Act of the General Assembly, for the purpose of carrying on a joint health program shall be exempted from the terms of this section, unless the special city-county board of health shall vote by a two thirds majority of all members to dissolve said special board of health, and shall so notify the State Health Officer, in writing, in which event the provisions of this paragraph shall apply.

County regulations apply to municipalities.

2. The rules, regulations and ordinances of the county board of health shall apply to municipalities within the county but the board of health shall not have the power to pass special ordinances covering a municipality only, such authority being implicit in and retained by the governing body of the municipality. The duties and the responsibilities of the county board of health shall be as set forth in Section one hundred and thirty - nineteen of the General Statutes of North Carolina except as may be modified by the provisions of this section.

Rewriting Section 130 - 21.

SEC. 3. Amend Section one hundred and thirty - twenty-one of the General Statutes of North Carolina by rewriting said section so that the same shall hereafter read as follows:

County physician and health officer.

SEC. 130-21. To elect county physician and health officer. The county board of health shall elect a health officer meeting the qualifications set forth by the Merit System Council and subject to the provisions of Chapter one hundred and twenty-six of the General Statutes. The term of office of the county health officer shall be at the pleasure of the county board of health. Emergency and temporary appointments may be made when necessary with the approval of the State Health Officer. When, in the case of a vacancy, the county board of health fails to elect a health officer within sixty days after receiving notification from the State Health Officer that a vacancy exists, it shall be the duty of the State Health Officer to appoint a health officer for the county. The county health officer may also be the county physician. Election of a county physician in counties having a county board of health shall be by such board. Such election shall take place during January of the odd years of the calendar for a two-year term. The salary of the county physician shall be paid by the board of county commissioners at such time and in such sum or amount as may be mutually agreed upon between the board of county commissioners and the county physician. The members of the county board of health while on duty shall each receive a per diem of four dollars ($4.00).

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 390 CHAPTER 1031

AN ACT TO EXTEND THE PROVISIONS OF SECTION EIGHTEEN - SEVENTY-SEVEN OF THE GENERAL STATUTES OF NORTH CAROLINA TO BURKE COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Burke County to regulate or prohibit sale of wine, except within municipalities action of same necessary.

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Burke County shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said county, except that it may not prohibit the sale of wine in any municipality of said county unless the governing body of any municipality of said

county adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality.

Authorizing municipalities to regulate or prohibit sale of wine.

SEC. 2. The governing body of any municipality in Burke County, from and after the effective date of this Act shall have full power and authority, by resolution adopted, to regulate or prohibit the sale of wine within the corporate limits of its municipality.

Power to regulate.

SEC. 3. The Board of County Commissioners of Burke County and/or the governing body of any municipality of said county may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted by the Board of Commissioners of Burke County or the governing body of any municipality therein, pursuant to the authority prescribed herein, shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 418 CHAPTER 1032

AN ACT TO PROHIBIT THE SALE OF WINE OR BEER WITHIN THE CORPORATE LIMITS OF THE TOWN OF SPENCER.

The General Assembly of North Carolina do enact:

Authorizing Spencer to regulate or prohibit sale of wine.

SECTION 1. From and after the effective date of this Act, the governing body of the Town of Spencer, Rowan County, shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said town.

Power to regulate.

SEC. 2. The governing body of the Town of Spencer may adopt rules and regulations regulating the sale of wine within the territory specified in Section one hereof by fixing the hours of sale, the places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 3. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 4. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 484 CHAPTER 1033

AN ACT TO PROVIDE FOR THE TRANSPORTATION OF HIGH SCHOOL PUPILS LIVING IN THE COMMUNITY OF COROLLA, CURRITUCK COUNTY, TO AND FROM A STATE HIGH SCHOOL.

WHEREAS, the laws of the State of North Carolina require that a high school education shall be afforded to all children of the State qualified for entrance into high school; and

WHEREAS, the State Board of Education and county boards of education are required by law to transport pupils to such high schools; and

WHEREAS, the only school now furnished to the community of Corolla, Currituck County, is a one room, one teacher school affording no high school instruction to the pupils of the community; and

WHEREAS, the nearest high school to said community is located at Poplar Branch, across the sound from Corolla, or a high school located in Dare County; and

WHEREAS, the children of Corolla community are being denied the opportunity of high school instruction and will continue to be denied such instruction unless the State Board of Education is required to transport such children to one of the two neighboring high schools: Now, therefore,

The General Assembly of North Carolina do enact:

Directing that high school instruction be provided in Corolla or pupils be transported to nearest high school.

SECTION 1. The State Board of Education and/or the County Board of Education of Currituck County is hereby authorized, empowered, and directed to either provide high school instruction in the community or Corolla or to transport the eligible high school pupils to and from either the high school at Poplar Branch or the nearest high school in Dare County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 540 CHAPTER 1034

AN ACT TO PROHIBIT THE SALE OF BEER, WINE OR OTHER INTOXICATING BEVERAGES IN THE TOWN OF HUNTERSVILLE IN MECKLENBURG COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Authorizing Mecklenburg County to regulate or prohibit sale of wine, except within municipalities action of same is necessary.

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Mecklenburg County shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said county, except that it may not prohibit the sale of wine in any municipality of said county unless the governing body adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality.

Authorizing municipalities to regulate or prohibit sale of wine.

SEC. 2. The governing body of any municipality in Mecklenburg County, from and after the effective date of this Act shall have full power and authority, by resolution adopted, to regulate or prohibit the sale of wine within the corporate limits of its municipality.

Power to regulate.

SEC. 3. The Board of County Commissioners of Mecklenburg County and/or the governing body of any municipality of said county may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted under the authority granted by this Act shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 614 CHAPTER 1035

AN ACT TO ENCOURAGE THE ESTABLISHMENT OF SCHOOL PRACTICE FORESTS IN CONNECTION WITH VOCATIONAL AGRICULTURAL SCHOOLS.

WHEREAS, woodland occupies some fifty per cent of the average North Carolina farm and the timber crop is exceeded in value only by tobacco and cotton; and

WHEREAS, all owners of woodland should know how to manage and market their timber as a perpetual and profitable crop, and

WHEREAS, demonstration on the land is an accepted feature of vocational training in agriculture, and

WHEREAS, long-time tenure is essential in demonstrating management of a long-time crop; Now, therefore

The General Assembly of North Carolina do enact:

Authorizing vocational agricultural high schools to acquire lands for forest study.

SECTION 1. That with the approval of the State Board for Vocational Education and the county superintendent of public instruction, the principal of any vocational agricultural high school is hereby authorized and empowered to acquire by gift, purchase or lease for not less than twenty years, a parcel of woodland or open land suitable for forest planting, or comprising both types of land; such parcel of land to contain not more than twenty acres.

Deed and title.

SEC. 2. That each deed to such land shall be made to "The .....County Board of Education" of the county in which the school concerned is located and the title shall be examined and approved by the county attorney.

Management.

SEC. 3. That any school forest thus acquired shall be placed under the management of the department of vocational agriculture of the school, to be handled in accordance with plans approved by some available publicly employed forester.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 646 CHAPTER 1036

AN ACT TO AMEND SECTIONS TWO - THIRTY-THREE AND TWO - THIRTY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FEE OF CLERKS OF SUPERIOR COURT FOR AUDITING ANNUAL ACCOUNTS OF RECEIVERS, EXECUTORS, ET CETERA.

The General Assembly of North Carolina do enact:

Amending Section 2 - 33 relating to certain reports and fees.

SECTION 1. Section two - thirty-three of the General Statutes of North Carolina is hereby amended by adding at the end thereof a sentence reading as follows: Nothing in this section shall be construed to allow commissions on allotment of dower, on distribution of the shares of heirs, on distribution of shares of distributees of personal property or on distribution of shares of legatees.

Amending Section 2 - 34 relating to certain reports and fees.

SEC. 2. That Section two - thirty-four of the General Statutes of North Carolina is hereby amended by adding at the end thereof a sentence reading as follows: Nothing in this section shall be construed to allow commissions on allotment of dower on distribution of the shares of heirs, on distribution of shares of distributees of personal property or on distribution of shares of legatees.

Does not apply to Anson and Lee Counties.

SEC. 2½. The provisions of this Act shall not apply to Anson County and Lee County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 660 **CHAPTER 1037**

AN ACT TO AMEND SECTION EIGHTEEN - SEVENTY-SEVEN OF THE GENERAL STATUTES SO AS TO MAKE CERTAIN PROVISIONS THEREIN APPLICABLE TO MACON COUNTY.

The General Assembly of North Carolina do enact:

Extending Section 18 - 77 to Macon County.

SECTION 1. Section eighteen - seventy-seven of the General Statutes is hereby amended by inserting the word "Macon" to immediately follow the word "Granville" in line twenty-three.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 661 **CHAPTER 1038**

AN ACT MAKING AN APPROPRIATION FOR THE DIVISION OF LEGISLATIVE DRAFTING AND CODIFICATION OF STATUTES.

WHEREAS, the Commission on Statutory Revision appointed by the one thousand ninie hundred and forty-three General Assembly included in its report to this General Assembly the following recommendations:

Relating to Division of Legislative Drafting and Codification of Statutes.

SECOND: That the Division of Legislative Drafting and Codification of Statutes proceed as rapidly as practicable with the corrective and revisory work provided for by General Statutes one hundred and fourteen - nine (c).

Relating to appropriation of $5,000.00 for foregoing work.

THIRD: That the one thousand nine hundred and forty-five General Assembly make an appropriation of five thousand dollars ($5,000.00) for each year of the one thousand nine hundred and forty-five - one thousand nine hundred and forty-seven biennium for the purpose of enabling the Division of Legislative Drafting and Codification of Statutes to make the necessary additions to its staff in order that that work may be done.

Relating to Advisory Commission for work.

FOURTH: That the one thousand nine hundred and forty-five General Assembly provide for the appointment on a permanent basis of a commission to cooperate with, and to act in an advisory capacity to, the Division of Legislative Drafting and Codification of Statutes with respect to the study of the statutes and the correction of imperfections of form and expression therein, and with respect generally to any matters relating to the preparation and publication of supplements to the General Statutes and of any future planning for the code; and

WHEREAS, the one thousand nine hundred and forty-five General Assembly has now created the commission so recommended by enacting House Bill fifty-nine, "A Bill to be entitled an Act creating the General Statutes Commission"; and

WHEREAS, an appropriation of five thousand dollars ($5,000.00) for each year of the one thousand nine hundred and forty-five - one thousand nine hundred and forty-seven biennium is necessary for the purpose of enabling the Division of Legislative Drafting and Codification of Statutes and the General Statutes Commission to carry on the work so recommended: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby appropriated to the Department of Justice out of the General Fund the sum of five thousand dollars ($5,000.00) for each year of the one thousand nine hun-

Appropriating $5,000.00 annually for work of Division of Legislative Drafting and Codification of Statutes.

dred and forty-five - one thousand nine hundred and forty-seven biennium, the same to be used under the direction of the Attorney General for increasing the staff of the Division of Legislative Drafting and Codification of Statutes and for paying necessary incidental expenses of the division not otherwise provided for, so as to enable the division to proceed as rapidly as practicable with the corrective and revisory work provided for by General Statutes one hundred fourteen - nine (c).

SEC. 2. This Act shall become effective upon its ratification.

Ratified this the 21st day of March, 1945.

H. B. 665 CHAPTER 1039

AN ACT TO APPROPRIATE A SUM TO MATCH FEDERAL FUNDS FOR USE BY THE DEPARTMENT OF AGRICULTURE FOR GRAPE CULTURE AND RESEARCH WORK.

The General Assembly of North Carolina do enact:

Appropriating $5,000.00 annually for small fruit culture and research.

SECTION 1. There is hereby appropriated out of the General Fund a sum of five thousand dollars ($5,000.00) annually for use in small fruit culture and research. Of this sum, five thousand dollars ($5,000.00) is appropriated to the Agricultural Experiment Station for research.

Directing Commissioner of Agriculture and Director of Experiment Station to hire personnel and purchase supplies for proposed work.

SEC. 2. The Commissioner of Agriculture and the Director of the Experimental Station are hereby authorized and directed to employ such personnel and purchase such supplies and materials as may be necessary, within the limits appropriated herein, to carry out the purposes of Section one hereof.

Appropriation to be available only if Federal funds match the same.

SEC. 3. The appropriation referred to in Section one hereof shall be made available only in the event and to such an extent as said sum may be matched by a Federal appropriation for the same purposes.

SEC. 4. This Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 21st day of March, 1945.

H. B. 711 **CHAPTER 1040**

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTY-THREE - NINE OF THE GENERAL STATUTES OF NORTH CAROLINA BY ADDING AT THE END HEREOF A NEW SUBSECTION AUTHORIZING THE ESTABLISHMENT OF A COUNTY PLANNING BOARD.

The General Assembly of North Carolina do enact:

Adding new subsection to Section 153 - 9.

SECTION 1. Section one hundred and fifty-three - nine of the General Statutes of North Carolina is hereby amended by adding a new subsection at the end thereof to be numbered thirty-nine, to read as follows:

Authorizing creation of County Planning Boards.

39. County Planning Board. The county commissioners are authorized to create a board to be known as the planning board, whose duty it shall be to make a careful study of the resources, possibilities and needs of the county, particularly with respect to the conditions which may be injurious to the public welfare or otherwise injurious, and to make plans for the development of the county. The commissioners shall appoint not less than three nor more than five persons on said board.

Annual reports.

The planning board, when established, shall make a report at least annually to the county commissioners, giving information regarding the condition of the county, and any plans or proposals for the development of the county and estimates of the cost thereof.

Authorizing county appropriations.

The county commissioners may appropriate to the planning board such amount as they may deem necessary to carry out the purposes of its creation and for the improvement of the county, and shall provide what sums, if any, shall be paid to such board as compensation.

Joint Boards.

The county commissioners are hereby authorized to enter into any agreements with any other county, city or town for the establishment of a joint planning board.

Adding a sentence to Section 160 - 22.

SEC. 2. Section one hundred and sixty - twenty-two of the General Statutes of North Carolina is hereby amended by adding a sentence at the end thereof to read as follows:

Joint Boards.

The governing body of any city or town is hereby authorized to enter into any agreements with any other city, town or county for the establishment of a joint planning board.

Not to apply to Chatham and Wake Counties.

SEC. 2½. This Act shall not apply to Chatham County. That Wake County shall be exempted from the provisions of this Act.

Not to apply to Durham, Stanly, Buncombe and Vance Counties.

SEC. 3. That this Act shall not apply to the following counties: Durham County, Stanly County, Buncombe County, and Vance County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 712 CHAPTER 1041

AN ACT REMOVING PENALTIES ON DELINQUENT TAXES ASSESSED AGAINST AD VALOREM PROPERTY OF MEMBERS OF THE UNITED STATES ARMED FORCES.

The General Assembly of North Carolina do enact:

SECTION 1. Section one hundred and five - three hundred and forty-five of the General Statutes is hereby amended by adding a new subsection to be designated as Subsection seven, and to read as follows:

Removing penalties on delinquent ad valorem taxes of members of armed forces.

(7) Any member of the Armed Forces of the United States may be relieved of the payment of any charges in the form of interest or penalty on delinquent ad valorem taxes assessed against the property of said member by any county or municipality for any taxable year during service in the said armed forces; *provided*, this Act shall not extend beyond the duration of World War II; and *provided further* that said member of armed services presents to proper tax collecting authorities a certificate of discharge from United States Armed Services in proof of membership therein.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 721 **CHAPTER 1042**

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA PROVIDING FOR THE EXPENSES OF MEMBERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Proposing amendment to Constitution of North Carolina to provide $10.00 per day for travel and other expenses of members of General Assembly.

SECTION 1. That the Constitution of the State of North Carolina be, and it is hereby, amended by adding at the end of Section twenty-eight of Article II, a new sentence to read as follows:

Provided further, that for the duration of both regular and special sessions the members shall receive, in addition to the salaries herein provided for, the sum of ten dollars per day for each day not to exceed sixty days in any one session in commutation for expenses incurred for travel to and from their homes to the seat of government, subsistance, and other necessary expenses.

To vote on proposal at next General Election.

SEC. 2. This amendment shall be submitted to the qualified voters of the entire State at the next general election after the ratification of this Act.

Form of ballot.

SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed, "For amendement allowing limited necessary expenses of members of the General Assembly"; and those opposed shall vote a ballot upon which shall be written or printed the words, "Against amendment allowing limited necessary expenses of members of the General Assembly."

Regulations for voting.

SEC. 4. That the election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force and every part thereof, from and after the date of such certification.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 745 **CHAPTER 1043**

AN ACT TO AMEND CHAPTER SIX HUNDRED AND FIFTY-EIGHT OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE RELATIVE TO HOLDING A SPECIAL ELECTION ON THE QUESTION OF THE FURTHER OPERATION OF LIQUOR STORES AT SOUTHERN PINES AND PINEHURST IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter six hundred and fifty-eight of the North Carolina Session Laws of one thousand nine hundred and forty-three be, and the same is hereby amended so as to read as follows:

Refusing Moore County right to vote on Liquor Stores before June, 1947.

SEC. 2. That such election shall be called in Moore County by the board of elections of said county only upon a petition to said board of elections, signed by at least fifteen per centum of the qualified voters in Moore County. In calling such special election, the county board of elections of said county shall give such notice for the registration of voters, and the said election shall be held and conducted as provided in Chapters four hundred and ninety-three of the Public Laws of one thousand nine hundred and thirty-five and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven, and all amendments thereto. *Provided,* that said election shall not be held before the month of June, one thousand nine hundred and forty-seven, in order that the citizens of Moore County who are absent and in the armed services of the country and entitled to participate in such election will have opportunity to vote in said election upon return to their homes after being discharged from such service.

SEC. 2. That Section five of said Chapter six hundred and fifty-eight of said Session Laws of one thousand nine hundred and forty-three be, and the same is hereby amended by striking out the same and inserting in lieu thereof the following:

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 751 **CHAPTER 1044**

AN ACT TO PROVIDE FOR THE CONSOLIDATION AND MERGER OF THE TOWN OF HAMILTON LAKES WITH THE CITY OF GREENSBORO WHEN CERTAIN CONDITIONS PRECEDENT THERETO HAVE BEEN COMPLIED WITH.

The General Assemby of North Carolina do enact:

Annulling Charter of Hamilton Lakes and extending limits of Greensboro to include present area of Hamilton Lakes.

SECTION 1. That, subject to the further provisions of this Act, the Town of Hamilton Lakes, a municipal corporation in the County of Guilford, duly created and existing under the laws of North Carolina, its charter being Chapter one hundred and sixty-one of the Private Laws of one thousand nine hundred and twenty-five, and the amendments thereof, be and the same is hereby consolidated with and merged into the City of Greensboro, a municipal corporation in the County of Guilford, duly created and existing under the laws of North Carolina, its charter being Chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, and the amendments thereto; and that from and after the declaration of said merger and consolidation by the mayors of said municipalities, as hereinafter provided, both of said municipalities shall be and continue as one municipal corporation under the name and style of City of Greensboro, with its charter that of the present City of Greensboro, to-wit: Chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, and the amendments thereto; and thereafter all of the territory now embraced in the Town of Hamilton Lakes and the City of Greensboro shall constitute the corporate area of the City of Greensboro, which shall continue as a municipal corporation with all powers and privileges theretofore enjoyed by it, and the territory theretofore embraced in the Town of Hamilton Lakes shall be a part of the corporate area of the City of Greensboro.

Authorizing special tax levies on Hamilton Lakes section to liquidate its bonded indebtedness.

SEC. 2. That from and after the effective date of said consolidation and merger, the present corporate area of the Town of Hamilton Lakes shall remain and be a separate taxing district for tax purposes, and the indebtedness of the Town of Hamilton Lakes at the time of said consolidation and merger shall remain and be the indebtedness of said separate taxing district; and the governing body of the City of Greensboro shall levy and collect within said area and taxing district sufficient taxes to pay the principal of and interest on said indebtedness, and any indebtedness incurred by the City of Greensboro to refund the same or any part thereof.

Levies on Hamilton Lakes section not to be made to pay bonds of Greensboro.

SEC. 3. That from and after the effective date of said consolidation and merger, the present corporate area of the City of Greensboro shall be and remain one or more separate taxing

districts for tax purposes, and the indebtedness of the City of Greensboro at the time of said consolidation and merger shall be and remain the indebtedness of said separate taxing districts; and the governing body of the City of Greensboro shall levy and collect within said area and taxing districts sufficient taxes to pay the principal of and interest on said indebtedness, and any indebtedness incurred by the City of Greensboro to refund the same or any part thereof.

Present indebtedness of Greensboro to be paid by levies on present Greensboro area; and present indebtedness of Hamilton Lakes to be paid by levies on that area.

SEC. 4. That from and after the effective date of said consolidation and merger, there shall not be levied and collected in the present corporate area of the Town of Hamilton Lakes any taxes, assessments, or other charges for the purpose of paying either the principal of or the interest on any indebtedness of the City of Greensboro outstanding at the time of said consolidation and merger, or any indebtedness incurred by the City of Greensboro to refund the same or any part thereof; nor shall there be levied or collected within the present corporate area of the City of Greensboro any taxes, assessments, or other charges for the purpose of paying any indebtedness of the Town of Hamilton Lakes outstanding at the time of said consolidation and merger, or any indebtedness incurred by the City of Greensboro to refund the same or any part thereof.

Ordinances of Greensboro extended to cover Hamilton Lakes area.

SEC. 5. That from and after the effective date of said consolidation and merger, the charter of the City of Greensboro and the amendments thereto, all laws in force and effect relating to the City of Greensboro, and all ordinances in force and effect in the City of Greensboro shall apply to the present corporate area of the Town of Hamilton Lakes with the same force and effect, and to the same extent, as if the present corporate area of the Town of Hamilton Lakes had been a part of the City of Greensboro at the time of the adoption and passage of said charter and the amendments thereto, and of said laws and ordinances.

Taxes for purposes other than present debts to be levied uniformly throughout both areas.

SEC. 6. That from and after the effective date of said consolidation and merger, taxes levied and collected by the City of Greensboro for general and specific or special purposes shall be levied and collected uniformly in all of the territory embraced in the enlarged municipality, except taxes to pay the indebtedness of the respective municipalities outstanding at the time of said consolidation and merger, or any indebtedness incurred by the City of Greensboro to refund the same or any part thereof.

Nullifying present ordinances of Hamilton Lakes.

SEC. 7. That from and after the effective date of said consolidation and merger, the present charter of the Town of Hamilton Lakes and the amendments thereto and all ordinances of the Town of Hamilton Lakes shall be without force or effect in the present corporate area of the Town of Hamilton Lakes; *provided, however,* that said charter and the amendments there-

to and said ordinances shall remain in full force and effect for the purpose of enforcing and collecting any taxes, penalties, assessments, dues, fines, charges, or other obligations owing to the Town of Hamilton Lakes at the time of said consolidation and merger or theretofore incurred by anyone which would inure to the benefit of the Town of Hamilton Lakes, and that said charter and the amendments thereto and said ordinances shall also remain in full force and effect for the purpose of assuring the payment of the indebtedness of the Town of Hamilton Lakes outstanding at the time of said consolidation and merger.

Present assets and accounts receivable of Hamilton Lakes to be applied on its present indebtedness.

SEC. 8. That from and after the effective date of said consolidation and merger, all property including real estate and personal property, and including all accounts owing to the Town of Hamilton Lakes as accounts receivable, notes receivable, assessments, taxes, liens, charges, or otherwise, belonging to or owned by or owed to the Town of Hamilton Lakes shall belong to and be the property of the City of Greensboro; *provided, however,* that all amounts collected by the City of Greensboro on any such accounts receivable, notes receivable, assessments, taxes, liens, or other charges, owed to the Town of Hamilton Lakes at the time of said consolidation and merger, shall be applied by the City of Greensboro toward the payment of the indebtedness of the separate taxing district constituted by the present corporate area of the Town of Hamilton Lakes.

Foregoing proposed merger to be submitted to referendum in Hamilton Lakes.

SEC. 9. That upon the presentation to the governing body of the Town of Hamilton Lakes of a petition signed by thirty per cent or more of the qualified voters of the Town of Hamilton Lakes calling for and requesting an election for the purpose of consolidation and merger that said consolidation and merger shall be submitted to the qualified voters of the Town of Hamilton Lakes at a special election to be held in the Town of Hamilton Lakes on such date as may be fixed by the governing body of the Town of Hamilton Lakes, in the same way and manner and under the same rules and regulations as provided in the laws governing special elections in the Town of Hamilton Lakes; and those approving said consolidation and merger shall vote a ballot "For the Consolidation and Merger of the Town of Hamilton Lakes with the City of Greensboro" and those opposing said consolidation and merger shall vote a ballot "Against the Consolidation and Merger of the Town of Hamilton Lakes with the City of Greensboro."

Form of ballot.

Prerequisites for effectiveness of this Act.

SEC. 10. That said consolidation and merger shall not become effective until the following things have been done and performed, to-wit:

Referendum in Hamilton Lakes.

(a) Said consolidation and merger shall have been approved by a majority of the qualified voters of the Town of Hamilton Lakes at the election provided for in Section nine of this Act,

and the results of said election shall have been certified to the Mayor of the Town of Hamilton Lakes, and the Mayor of the City of Greensboro by the judges of said election.

Resolution by governing body of Hamilton Lakes.

(b) The governing body of the Town of Hamilton Lakes shall have passed a resolution in words and form as follows:

"Resolved by the governing body of the Town of Hamilton Lakes that the Town of Hamilton Lakes be consolidated and merged with the City of Greensboro, as provided by Act of the one thousand nine hundred and forty-five General Assembly of North Carolina, entitled 'An Act to Provide for the Consolidation and Merger of the Town of Hamilton Lakes with the City of Greensboro when Certain Conditions Precedent Thereto Have Been Complied With.'"

and a copy of said resolution shall have been certified by the Town Clerk of the Town of Hamilton Lakes and delivered to the Mayor of the City of Greensboro.

(c) The governing body of the City of Greensboro shall have passed a resolution in words and form as follows:

Resolution by governing body of Greensboro.

"Resolved by the governing body of the City of Greensboro that the Town of Hamilton Lakes be consolidated and merged with the City of Greensboro, as provided by Act of the one thousand nine hundred and forty-five General Assembly of North Carolina, entitled 'An Act to Provide for the Consolidation and Merger of the Town of Hamilton Lakes with the City of Greensboro when Certain Conditions Precedent Thereto Have Been Complied with.'"

Governing body may call referendum, if it desires.

and a copy of said resolution shall have been certified by the City Clerk of the City of Greensboro and delivered to the Mayor of the Town of Hamilton Lakes. The governing body of the City of Greensboro shall, however, have the right, in their discretion, to call a special election in the City of Greensboro for the purpose of determining whether or not the Town of Hamilton Lakes shall be included within the said city.

Relinquishment of public lakes and parks by Hamilton Lakes.

(d) The Town of Hamilton Lakes shall have abandoned as public lakes the lakes now located in the Town of Hamilton Lakes and shall have abandoned as public parks the following described properties in the Town of Hamilton Lakes, to-wit:

(i) the park area surrounding Little Lake Euphemia as shown on the map recorded in the office of the Register of Deeds of Guilford County, North Carolina, on page twenty of the Plat Book entitled "Town of Hamilton Lakes";

(ii) the park area bounded on the East by Ingleside Drive and an extension of Keeling Road East, on the South by the shore line of Lake Hamilton, on the West by the shore line of Lake Hamilton, on the West by the shore line of Lake Hamilton

and lot five hundred and fifty (550) in the Town of Hamilton Lakes, and on the North by a line running South eighty-three degrees twenty-three miuntes (83° 23') East from the Northeastern corner of lot five hundred and fifty (550) in the Town of Hamilton Lakes to a point in the Western margin of Ingleside Drive;

(iii) the park area bounded on the West by Ashland Drive, on the South by Ashland Drive, on the East by an extension of Keeling Road East, and on the North by the shore line of Lake Hamilton and lot five hundred and fifty (550) in the Town of Hamilton Lakes;

(iv) the park area bounded on the West by Kemp Road West, on the South by lots one thousand and seventy-nine (1079) and one thousand and eighty (1080) in the Town of Hamilton Lakes, on the East by Kemp Road East, and on the North by a line running North eighty-four degrees thirty-five minutes (84° 35') East from a point in the Eastern margin of Kemp Road West, which is North eighty-four degrees thirty-five minutes (84° 35') East from the Northeastern corner of lot seven hundred and sixty-five (765) in the Town of Hamilton Lakes, to a point in the Western margin of Kemp Road East;

and shall have released, quitclaimed and conveyed the rights, titles, and interests of the Town of Hamilton Lakes and of the public in general in and to the lakes and parks so abandoned.

Joint declaration by Greensboro and Hamilton Lakes to be filed in Clerk's office.

(e) A declaration shall have been signed by the Mayor of the Town of Hamilton Lakes and the Mayor of the City of Greensboro with the respective seals of said municipalities affixed thereto, and shall have been dated and filed in the office of the clerk of the Superior Court of Guilford County, which declaration shall be substantially in words and form as follows:

DECLARATION OF CONSOLIDATION AND MERGER OF THE TOWN OF HAMILTON LAKES WITH THE CITY OF GREENSBORO

Form of Declaration.

The undersigned Mayors of the Town of Hamilton Lakes and of the City of Greensboro, respectively, do hereby declare that the Town of Hamilton Lakes has consolidated and merged with the City of Greensboro pursuant to Act of the General Assembly of North Carolina, one thousand nine hundred and forty-five, entitled "An Act to Provide for the Consolidation and Merger of the Town of Hamilton Lakes with the City of Greensboro when certain Conditions Precedent Thereto Have Been Complied with."

This the ————day of ————,19———.

Mayor of Town of Hamilton Lakes

(Town Seal)

Mayor of City of Greensboro

(City Seal)

Form of relinquishment of lakes and parks to public.

SEC. 11. That when and if the things described in Subsections (a), (b), and (c) of Section ten of this Act have been done and performed, the governing body of the Town of Hamilton Lakes is authorized and empowered to abandon as public lakes the lakes now located in the Town of Hamilton Lakes and to abandon as public parks the properties described in Subsection (d) of Section ten of this Act, and the Mayor and the Town Clerk of the Town of Hamilton Lakes are authorized and empowered, for and on behalf of and in the name of the Town of Hamilton Lakes, to release, quit claim and convey, for a nominal consideration of one dollar ($1.00), the rights titles, and interests of the Town of Hamilton Lakes and of the public in general in and to the lakes and parks so abandoned; *provided, however,* that any such release or conveyance of the lakes and parks so abandoned shall be made subject to a condition that no part of the property so released or conveyed shall be used for any purpose whatever except for lake purposes or park purposes.

Date of consolidation.

SEC. 12. That the declaration provided for in Subsection (e) of Section ten of this Act shall be filed in the office of the Clerk of the Superior Court of Guilford County on the day on which it is dated, and said date shall be the effective date of the consolidation and merger of the Town of Hamilton Lakes and the City of Greensboro, and said declaration, or a copy thereof, certified by the Clerk of the Superior Court of Guilford County shall be conclusive evidence that the consolidation and merger of the said municipalities has been effected and consummated under the terms and provisions of this Act. The Clerk of the Superior Court of Guilford County shall record and index said declaration in the book in which charters of corporations are recorded and indexed in his office, and shall send a certified copy of said declaration to the Municipal Board of Control of the State of North Carolina at Raleigh.

Conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21th day of March, 1945.

H. B. 761 CHAPTER 1045

AN ACT TO ESTABLISH AN ARBITRATION SERVICE IN THE DEPARTMENT OF LABOR AND FOR THE VOLUNTARY ARBITRATION OF LABOR DISPUTES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Declaration of policy against labor disputes and their settlement through arbitration.

SECTION 1. Declaration of Policy. It is hereby declared as the public policy of this State that the best interests of the people of the State are served by the prompt settlement of labor disputes; that strikes and lockouts and other forms of industrial strife, regardless of where the merits of the controversy lie, are forces productive ultimately of economic waste; that the interests and rights of the consumers and the people of the State, while not direct parties thereto, should always be considered, respected and protected; and where amicable settlement by conciliation and/or mediation have been unsuccessful that the voluntary arbitration of such disputes under the guidance and supervision of a governmental agency will tend to promote permanent industrial peace and the health, welfare, comfort and safety of the people of the State. To carry out such policy, the necessity for the enactment of the provisions of this article is hereby declared as a matter of legislative determination.

Applies to disputes involving wages, hours and working conditions.

SEC. 2. Scope of the Act. The provisions of this Act shall apply to labor disputes pertaining to wages, hours and working conditions in North Carolina when parties wish to avail themselves of arbitration under this Act.

Administration by Commissioner of Labor.

SEC. 3. Administration of the Act. The administration of this Act shall be under the general supervision of the Commissioner of Labor of North Carolina.

Creating Arbitration Service in Department of Labor.

SEC. 4. Arbitration Service; Established; Personnel; Removal; Compensation. There is hereby established in the Department of Labor an Arbitration Service. The Commissioner of Labor may appoint such employees as may be required for the consummation of the work under this Act, prescribe their duties and fix their compensation, subject to existing laws applicable to the appointment and compensation of employees of the State of North Carolina. Any member of or employee in the Arbitration Service may be removed from office by the Commissioner of Labor, acting in his discretion.

Plans for arbitration.

SEC. 5. Arbitration. (a) Submission of Controversy to Arbitration Panel. Whenever a controversy pertaining to wages, hours and working conditions shall arise between employees and employer and where amicable settlement by conciliation and/or mediation have been unsuccessful such controversy may, by agreement of the parties thereto, be submitted to an Arbitration

Panel of five persons, or should the parties so desire to an arbitrator appointed by the Commissioner of Labor as provided for in Section (b); *provided, however,* that the failure or refusal of either party to submit a controversy to Arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this Act or otherwise.

Selection of arbitrator or arbitration panel.

(b) Manner of Selecting Arbitration Panel or Arbitrator. Such panel or arbitrator shall be chosen in the following manner: The employer, or employers, shall choose two arbitrators. One employer arbitrator shall be from the plant concerned in the controversy and one arbitrator shall be from another industry. The employee(s) or representatives of the employee(s) shall choose two arbitrators. One employee arbitrator shall be from the plant concerned in the controversy and one arbitrator shall be from another industry, union, trade, or craft. The Commissioner of Labor shall select a fifth arbitrator who shall act as Chairman of the Arbitration Panel and who may be selected from the list of arbitrators maintained by said Commissioner. Should the parties prefer to submit the controversy to a single arbitrator and request the Commissioner of Labor to appoint such arbitrator, same shall be named by the Commissioner. It shall be the duty of the Commissioner of Labor to maintain a list of qualified and public-spirited citizens who will serve as arbitrators. The fifth arbitrator, when appointed by the Commissioner, may be paid, within the discretion of the Commissioner, per diem compensation, at the rate established by the Commissioner of Labor, and actual travel and necessary expenses incurred while performing duties arising under this Act. Necessary stenographic and clerical assistance to the panel or arbitrator, in those cases wherein an arbitrator has been named by the Commissioner of Labor, shall be furnished by the Department of Labor. Expenditures provided for under this section shall be paid from funds appropriated for the administration of this Act.

Relating to witnesses and procedure.

(c) Arbitration; Procedure; Witnesses; and Award. The submission of the dispute to the Arbitration Panel or arbitrator shall be in writing, signed by the parties or their authorized agents, and shall contain a statement of the issues or questions in dispute and an agreement to continue in business or at work without a lockout or strike during the arbitration and to abide by the arbitration award. Upon such submission, the panel or arbitrator shall examine the matter in controversy, and, after reasonable notice, afford the parties an opportunity to be heard and to examine and cross-examine witnesses. The arbitrator or Panel, or a majority of them, may require any person to attend before him or them as a witness and to bring with him any book or writing or other evidence. Subpoenas shall issue in the name of the arbitrator or Panel, or a majority of them, and shall be directed to the person and shall be serve

in the same manner as subpoenas to testify before a court of record in this State; if any persons so summoned to testify shall refuse or neglect to obey such subpoenas, upon petition the superior court may compel the attendance of such person before the arbitrator or Panel, or punish such persons for comtempt in the same manner now provided for the attendance of witnesses or the punishment of them in the courts of the State. A written report of the Panel's or arbitrator's findings of fact and recommendations shall be made to each party to the controversy; where the Commissioner of Labor has appointed an arbitrator, such reports shall be made within thirty (30) days after the selection of the arbitrator, unless this period of time shall be extended by agreement of the parties or by the Commissioner of Labor for good and sufficient reasons. Arbitration proceedings under this Act shall be filed with the Commissioner of Labor, who may make a public report.

Relating to qualifications of arbitrators.

SEC. 6. Disqualification. No person named by the Commissioner of Labor to act as an arbitrator in a dispute which has been submitted to arbitration shall be qualified to serve as such arbitrator if such person has any financial or other interest in a trade, business, industry or occupation in which a labor dispute exists or is threatened and of which the arbitration service has taken cognizance.

Commissioner of Labor to prescribe rules and regulations.

SEC. 7. Rules. The Commissioner of Labor with the written approval of the Attorney General shall have power to adopt, alter, amend or repeal such rules in connection with the voluntary arbitration of labor disputes as may be necessary for the proper administration and enforcement of the provisions of this Act.

Conflicting laws repealed.

SEC. 8. Repealing Clause. All laws or clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in force from and after July first, one thousand nine hundred and forty-five.

Ratified this the 21st day of March, 1945.

H. B. 762 **CHAPTER 1046**

AN ACT TO PREVENT HASTY MARRIAGES

The General Assembly of North Carolina do enact:

Requiring nonresidents of State to apply for marriage licenses 48 hours before issuance of same.

SECTION 1. That no marriage license shall be issued by any register of deeds for the marriage of any two persons, both of whom are nonresidents of the State of North Carolina, unless application for such license has been on file in the office of the register of deeds issuing the license for at least forty-eight hours. Such application must be made in writing and filed sub-

ject to public inspection in the office of the register of deeds to which the application is made and shall give the names of the parties to the marriage, their race, ages, and residence addresses. For receiving and filing such application, the register of deeds shall collect a fee of fifty cents (50c).

Penalty of $200.00 for Register of Deeds to violate this Act.

SEC. 2. Any register of deeds who knowingly or without reasonable inquiry, personally or by his deputy, violates any of the provisions of this Act shall forfeit and pay two hundred dollars ($200.00) to any parent, guardian, or other person standing in loco parentis, who sues for the same.

Shall apply only to 15 Counties.

SEC. 3. This Act shall only apply to: Dare, Tyrrell, Washington, Martin, Beaufort, Hyde, Pamlico, Camden, Currituck, Chowan, Gates, Pasquotank, Perquimans, Hertford, Bertie.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 763 CHAPTER 1047

AN ACT RELATING TO HUNTING ON SUNDAY

The General Assembly of North Carolina do enact:

Prohibiting hunting on Sunday.

SECTION 1. That Chapter one hundred and three - two of the General Statutes of North Carolina be and the same hereby is rewritten to read as follows:

If any person shall, except in defense of his own property, hunt on Sunday, having with him a shot gun, rifle, or pistol, he shall be guilty of a misdemeanor and pay a fine not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 765 CHAPTER 1048

AN ACT TO EXTEND THE AUTHORITY OF THE STATE HIGHWAY PARTROL.

The General Assembly of North Carolina do enact:

SECTION 1. That Section twenty - one hundred and eighty-eight of the General Statutes, defining the duties of the State Highway Patrol, be, and the same is, amended by adding at the end of said section the following:

Extending authority of Highway Patrol to make arrests in certain cases.

Members of the State Highway Patrol, in addition to the duties, power and authority hereinbefore given, shall have the authority throughout the State of North Carolina of any police officer in respect to making arrests for any crimes committed in their presence and shall have authority to make arrests for any crime committed on any highway and shall have the right of any peace officer in making arrests when called upon by the sheriff of any county or chief of police of any municipality.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 783 CHAPTER 1049

AN ACT RELATING TO ESCHEATS TO THE UNIVERSITY OF NORTH CAROLINA OF TANGIBLE OR INTANGIBLE PERSONAL PROPERTY, OR MONEY HELD OR HEREAFTER RECEIVED BY THE CLERK OF SUPERIOR COURT OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Providing for escheating the University of certain funds in hands of Superior Court of Forsyth County.

SECTION 1. The Clerk of Superior Court of Forsyth County may at any time after two years from the date of the first receipt of any tangible or intangible personal property, or money for any person, firm, or corporation, and after same has been reported in two annual reports filed by the clerk with the Board of County Commissioners of Forsyth County, and after such reports have been published in a newspaper on two previous occasions as required by statute, escheat said property or money to the University of North Carolina pursuant to the provisions of the General Statutes of North Carolina, if said person, firm, or corporation to whom said property or money belongs is legally entitled to receive same, but his whereabouts are unknown; or said person, firm, or corporation fails or refuses to make demand upon the clerk for said property or money.

Demand and return of escheat funds.

SEC. 2. When demand is made on the clerk by the rightful owner thereof for property or money that has been delivered and paid over to the University of North Carolina as provided herein, the clerk shall make demand on the proper officer of the University of North Carolina to return to him such property or money for delivery or payment to said owner.

Clerk not liable, if he exercises reasonable care and good faith.

SEC. 3. The clerk shall be liable to any one for any loss whatsoever sustained by reason of paying over or delivering to the University of North Carolina money or property as herein provided, if said clerk has exercised reasonable care and good faith in complying with the provisions of this Act.

Five years requirement does not apply to Clerk of Superior Court of Forsyth County.

SEC. 4. The Provisions of Section one hundred and sixteen - twenty-three and any other General Statutes of North Carolina requiring that property and money be held by a clerk for a period of five years before escheating same to the University of North Carolina shall not apply to money and property held or hereafter received by the Clerk of Superior Court of Forsyth County.

Applies only to Forsyth County.

SEC. 5. This Act shall apply only to Forsyth County.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 786 CHAPTER 1050

AN ACT TO PROVIDE FOR THE ADMINISTRATION BY THE STATE BOARD OF HEALTH OF A PROGRAM FOR THE PREVENTION AND CURE OF CANCER AND TO PRESCRIBE THE POWERS AND DUTIES OF SAID BOARD IN THE ADMINISTRATION OF SAID PROGRAM.

The General Assembly of North Carolina do enact:

Authorizing State Board of Health to administer cancer prevention program.

SECTION 1. The State Board of Health shall administer a program for the prevention and cure of cancer to the extent specified in this Act, and to that end shall have the powers and duties hereinafter set forth.

Plan and procedure.

SEC. 2. The State Board of Health shall furnish to cancer patients and such other low income citizens, legal residents of North Carolina, who comply with the rules and regulations specified by the State Board of Health, such financial aid within the appropriations made in this Act, for diagnosis, hospitalization and treatment, as may be approved for said patients found

by the State Board of Health to be entitled thereto. Such diagnosis, hospitalization and treatment shall be given said patients in any hospital in this State which meets the minimum requirements for cancer control established by the State Board of Health and designated by the State Board of Health as the hospital where such diagnosis, hospitalization and treatment shall be given. In order to administer such financial aid in the manner which will afford the greatest benefit to said cancer patients and to the people of the State, the State Board of Health is hereby authorized to promulgate rules and regulations specifying the terms and conditions upon which cancer patients may receive such financial aid, and act upon such applications in the manner which in its judgment will best effectuate the purposes of this Act. The State Board of Health may develop with the State Board of Public Welfare procedures for determining the needs of indigent and other low income applicants for financial aid in carrying out the purposes of this Act.

Authorizing creation of cancer clinics.

SEC. 3. The State Board of Health is authorized to establish and designate minimum standards and requirements for the organization, equipment and conduct of cancer clinics or departments in general hospitals in this State to the end that said hospitals may intelligently prepare and equip their institutions adequately to diagnose, prevent and treat cancer. *Provided* that any clinic, group, organization or department set up, established or sponsored by the State Board of Health as set forth by this Act shall,

Requirements of American College of Surgeons for Tumor Clinics.

1. Meet the minimum requirements of the American College of Surgeons for Tumor Clinics;

Qualifications of staff members.

2. That each physician who shall staff such organization, board or clinic must be a diplomat of the American Board of the specialty of medicine in which he is engaged.

Educational program.

SEC. 4. The State Board of Health shall collect information relating to the prevention and cure of cancer and shall sponsor an educational program for the purpose of aiding and informing the people of the State, as well as physicians and hospitals, in the prevention and cure of cancer, in the early diagnosis of cancer, and in its proper treatment.

Authorized to receive gifts for program.

SEC. 5. The State Board of Health is authorized to receive gifts or donations of money, securities, radium, X-ray, or other equipment or supplies, real estate, or any other property of any kind or description which may be used in the program for the prevention and cure of cancer. Any funds or intangibles donated for such purposes are to be deposited with the State Treasurer and to be used in the cancer control work.

Hospitals, laboratories, etc.

SEC. 6. The State Board of Health is authorized to acquire, by gift, purchase (within the limits of appropriations available for such purposes), devise or otherwise, such laboratories, hospitals, equipment and supplies, or any other property, real or personal, as said board shall deem needful to afford proper treatment and care to cancer patients in this State, and to carry out the program for the prevention and cure of cancer.

Tabulation of records.

SEC. 7. The State Board of Health shall compile, tabulate and preserve statistical, clinical, and other records relating to the prevention and cure of cancer.

Assistance to hospitals and physicians.

SEC. 8. The State Board of Health shall assist general hospitals in the State in organizing and conducting cancer clinics as a part of the cancer control program, and shall assist physicians and hospitals in establishing the early diagnosis of cancer and in preparing themselves to render the most efficient service in the cancer control program.

Cancer Committee of North Carolina Medical Society.

SEC. 9. In formulating the plans and policies of the program for the prevention and cure of cancer, the State Board of Health shall consult with the cancer committee of the North Carolina Medical Society, which shall consist of one physician from each congressional district, to the end that the cancer control program shall most effectively serve the welfare of the people of the State, and such plans and policies shall be presented to and approved by said cancer committee.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1945.

SEC. 11. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-five.

Ratified this the 21st day of March, 1945.

H. B. 808 CHAPTER 1051

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWELVE OF THE GENERAL STATUTES OF NORTH CAROLINA ENITLED, CONFEDERATE PENSIONS.

The General Assembly of North Carolina do enact:

Amending law regarding Confederate Pensions.

SECTION 1. That Paragraph three of Section one hundred and twelve - eighteen of Chapter one hundred and twelve of the General Statutes of North Carolina be amended by striking out the words and figures, "two hundred dollars ($200.00)" in lines four and five of said Paragraph three and inserting in lieu thereof the words and figures, "three hundred and twenty dollars ($320.00)."

Increasing certain annual expenses.

SEC. 2. That Paragraph four of Section one hundred and twelve - eighteen of Chapter one hundred and twelve of the General Statutes of North Carolina be amended by striking out the words and figures three hundred dollars ($300.00) in line three of said Paragraph four and inserting in lieu thereof the words and figures, "four hundred and twenty dollars ($420.00)."

SEC. 3. That Paragraph five of Section one hundred and twelve - eighteen of Chapter one hundred and twelve of the General Statutes of North Carolina be amended by striking out the words and figures, "one hundred dollars ($100.00)," in line eight of said Paragraph five, and inserting in lieu thereof the words and figures, "two hundred and twenty dollars ($220.00)."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 828 **CHAPTER 1052**

AN ACT TO REWRITE ARTICLE TWELVE OF CHAPTER ONE HUNDRED AND SIXTY OF THE GENERAL STATUTES OF NORTH CAROLINA, AUTHORIZING THE GOVERNING BODIES OF THE STATE'S POLITICAL SUBDIVISIONS TO ESTABLISH AND PROVIDE FOR A RECREATION SYSTEM.

The General Assembly of North Carolina do enact:

Rewriting Article 12 of Chapter 160 of General Statutes regarding recreation and playgrounds.

SECTION 1. Article twelve of Chapter one hundred and sixty of the General Statutes of North Carolina is hereby rewritten to read as follows:

ART. 12. Recreation Systems and Playgrounds.

Recreation Enabling Law.

SEC. 160.-155. Title. This article shall be known and may be cited as the "Recreation Enabling Law."

Declaration of State public policy.

SEC. 160-156. Declaration of State public policy. As a guide to the interpretation and application of this article, the public policy of this State is declared to be as follows: The lack of adequate recreational programs and facilities is a menace to the morals, happiness and welfare of the people of this State in times of peace as well as in time of war. Making available recreational opportunities for citizens of all ages is a subject of general interest and concern, and a function requiring appropriate action by the governing bodies of the several political and educational subdivisions of the State. The Legislature, therefore,

declares that in its considered judgment the public good and the general welfare of the citizens of this State require an adequate recreation program and that the creation, establishment and operation of a recreation system is a governmental function and a necessary expense as defined by Article VII, Section seven, of the Constitution of North Carolina.

Definitions.

SEC. 160-157. Definitions. (1) Recreation, for the purposes of this article, is defined to mean those activities which are diversionary in character and which aid in promoting entertainment, pleasure, relaxation, instruction, and other physical, mental, and cultural development and experiences of a leisure time nature.

Unit.

(2) Unit, for the purpose of this article, means county, city and town.

Powers.

SEC. 160-158. Powers. The governing body of any unit, as defined in Section one hundred and sixty - one hundred and fifty-seven, may exercise the following powers for recreational purposes:

(1) Establish and conduct a system of supervised recreation for such unit.

(2) Set apart for use as parks or playgrounds, recreational centers or facilities, any lands or buildings owned by or leased to such unit and may improve and equip such lands or buildings.

(3) Acquire lands or buildings by gift, purchase, lease or loan, or by condemnation as provided by Chapter forty, eminent domain, of the General Statutes.

(4) Accept any gift or bequest of money, or other personal property, or any donation to be applied principal or income for recreational use.

(5) Provide, construct, equip, operate and maintain parks, playgrounds, recreation centers and recreation facilities, and all buildings and structures necessary or useful in connection therewith.

(6) Appropriate funds for the purpose of carrying out the provisions of this article.

Financing.

SEC. 160-159. Funds. If the governing body of any unit, as defined in Section one hundred and sixty - one hundred and fifty-seven, finds it necessary for the purpose of carrying out the provisions of this article, the governing body is hereby authorized to call a special election without a petition for that purpose as provided by Section one hundred and sixty - one hundred and sixty-three, and submit as therein provided to

the qualified voters of said unit the question of whether or not a special tax shall be levied and/or bonds issued for the purpose of acquiring lands for parks, playgrounds and buildings, and the improvement thereof, and for equipping and operating same.

Recreation Boards.

SEC. 160-160. System conducted by unit or recreation board. If a recreational system is established, it may be conducted by the unit as any other department of the unit is conducted, or if the governing body of the unit determines that it is for the best interest of the system that it be supervised and directed by a recreation board or commission, then such governing body may create such board or commission by ordinance or resolution to be known as the "Recreation Board or Commission of the unit" and may vest such board or commission with the authority to provide, maintain, conduct and operate the recreational system with authority to employ directors, supervisors and play leaders and such other officers or employees as may be deemed best within the budget provided for the commission or board by the unit or from appropriations made by it, or from other funds in the hands of the commission or board. The board or commission may be vested with such powers and duties as to the governing body may seem proper.

Membership of Boards.

SEC. 160-161. Appointment of members to board. The board or commission shall be appointed by the governing body of the unit and shall consist of at least five members, one of whom shall be affiliated with the government of the unit, one with the school system, one with the health department and one with the welfare department. The term of at least one member of those first appointed shall expire in each of the first five years and until successors are appointed and qualified. The members shall serve without compensation. Vacancies in the board or commission shall be filled for the unexpired term by appointment of the governing body of the unit. The recreation board or commission at its first meeting shall appoint a chairman and such other officers as may be deemed proper for the conduct of its business, and shall adopt rules and regulations to govern its procedures. Rules and regulations may be adopted from time to time for the purpose of governing the use of the parks, playgrounds, recreation centers and facilities.

Acceptance of gifts for program.

SEC. 160-162. Power to accept gifts and hold property. The recreation board or commission may accept any grant, lease, loan, or devise of real estate or any gift or bequest of money or other personal property, or any donation to be applied, principal or income, for either temporary, immediate or permanent recreational use; but if the acceptance of any grant or devise of real estate, or gift or bequest of money or other personal property will subject the unit to expense for improve-

ment or maintenance, the acceptance thereof shall be subject to the approval of the governing body of such unit. Lands or devises, gifts or bequests, may be accepted and held subject to the terms under which such land or devise, gift or bequest, is made, given or received.

Establishment of system.

SEC. 160-163. Petition for establishment of system and levy of tax; election. A petition signed by at least fifteen per cent of the qualified and registered voters in the unit may be filed in the office of the clerk or other proper officer of such unit requesting the governing body of such unit to do any one or all of the following things:

(1) Provide, establish, maintain and conduct a supervised recreation system for the unit.

Tax levy.

(2) Levy an annual tax of not less than three cents (3c) nor more than ten cents (10c) on each one hundred dollars of assessed valuation of the taxable property within such unit for providing, conducting and maintaining a supervised recreation system.

Bonds.

(3) Issue bonds of the unit in an amount specified therein and levy a tax for the payment thereof, for the purpose of acquiring, improving and equipping lands or buildings or both for parks, playgrounds; recreation centers and other recreational facilities.

Referendum.

When the petition is filed, it shall be the duty of the governing body of such unit to cause the question petitioned for to be submitted to the voters at a special election to be held in such unit within ninety days from the date of the filing, which election shall be held as now provided by law for the holding of general elections in such units, except in all such elections a special registration shall be provided.

If the proposition submitted at such election shall receive a majority vote of the qualified registered electors at such election, the governing body of the unit shall, by appropriate ordinance or resolution, put into effect such proposition as soon as practicable.

Joint playgrounds and neighborhood recreation centers.

SEC. 160-164. Joint playgrounds or neighborhood recreation centers. Any two or more units may jointly provide and establish, operate and conduct and maintain a supervised recreation system and acquire, operate, improve and maintain property, both real and personal, for parks, playgrounds, recreation centers and other recreational facilities and activities, the expense thereof to be proportioned between the units participating as may to them seem just and proper.

SEC. 2. All laws or parts of laws inconsistent herewith are hereby repealed: *Provided,* that nothing in this Act shall have the effect of repealing Public-Local or Private Acts creating or authorizing the creation of any recreational system by a unit or relating to the management thereof.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 857 CHAPTER 1053

AN ACT TO AMEND CHAPTER FORTY-NINE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIN TO ILLEGITIMATE CHILDREN.

The General Assembly of North Carolina do enact:

SECTION 1. That Section forty-nine - four of the General Statutes of North Carolina is hereby rewritten to read as follows:

Amending law relating to illegitimate children.

SEC. 49-4. When prosecution may be commenced. The prosecution of the reputed father of an illegitimate child may be instituted under this chapter within any of the following periods, and not thereafter:

Time within which prosecutions may be instituted.

1. Three years next after the birth of the child; or

2. Where the paternity of the child has been judicially determined within three years next after its birth, at any time before the child attains the age of fourteen years; or

3. Where the reputed father has acknowledged paternity of the child by payments for the support thereof within three years next after the birth of such child, three years from the date of the last payment, whether such last payment was made within three years of the birth of such child or thereafter: *Provided,* the action is instituted before the child attains the age of fourteen years.

The prosecution of the mother of an illegitimate child may be instituted under this chapter at any time before the child attains the age of fourteen years.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 859 CHAPTER 1054

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF COLUMBUS COUNTY TO LEVY SPECIAL TAXES FOR SPECIAL PURPOSES.

The General Assembly of North Carolina do enact:

Authorizing Columbus County to levy special taxes for fire prevention purposes, county farm agent and county accountant.

SECTION 1. That the Board of County Commissioners of Columbus County be and they are hereby authorized and empowered to levy a tax on all taxable property in said county, not exceeding ten cents on each one hundred dollars valuation, for the special and necessary purposes of fire prevention and control and such equipment as may be necessary for fire prevention and control for said county; to pay the salaries and expenses of the county farm agent's office and other extension services; to pay the salaries and expenses of the county accountant or county auditor's office and to pay the expense of audits for any department of the county government where it is deemed necessary.

Constitutionality.

SEC. 2. If any part of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 864 CHAPTER 1055

AN ACT TO AMEND HOUSE BILL TWO HUNDRED AND SEVENTY-FIVE OF THE SESSION OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND FORTY-FIVE TO THE END THAT THE PROVISIONS OF SAID BILL SHALL BE APPLICABLE TO THE TOWN OF ABERDEEN IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Amending H. B. 275 of 1945 Session so as to make same applicable to Aberdeen.

SECTION 1. That House Bill two hundred and seventy-five of the Session of the General Assembly of one thousand nine hundred and forty-five as amended is hereby amended by striking therefrom the amendment or any other provisions of said House Bill two hundred and seventy-five which exempts the Town of Aberdeen from the provisions thereof. It being the intent and purpose of this Act that the Town of Aberdeen in Moore County shall be subject to the provisions of said House Bill two hundred and seventy-five including the provisions which allows the governing authority of cities and towns to voluntarily elect to be bound by the provisions of said House Bill two hundred and seventy-five if in their discretion they elect so to do.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 885 **CHAPTER 1056**

AN ACT TO REIMBURSE D. M. BAUCOM OF CHARLOTTE FOR EXPENSES INCURRED FOR PERSONAL INJURIES SUFFERED BY HIM AND HIS WIFE AND DAMAGES SUFFERED TO HIS AUTOMOBILE AS A RESULT OF A COLLISION WITH A CABARRUS COUNTY SCHOOL BUS IN DECEMBER, ONE THOUSAND NINE HUNDRED AND FORTY-FOUR.

The General Assembly of North Carolina do enact:

WHEREAS, on or about December twenty-first, one thousand nine hundred and forty-four, at the intersection of North Carolina Highway Number twenty-seven and the Flowe Store Road in Cabarrus County, a collision occurred between an automobile owned and driven by D. M. Baucom of Charlotte and a school bus owned by the State Board of Education and driven by Ralph Flowe Phillips, its regularly employed driver; and

WHEREAS, the collision occurred through the alleged negligent operation of the school bus by the said Ralph Flowe Phillips and through no fault of the said D. M. Baucom; and

WHEREAS, as a result of the collision, D. M. Baucom and his wife, Ruth Baucom, suffered severe personal injuries necessitating hospital and medical care, and the said D. M. Baucom suffered loss of time from work and substantial damage to his automobile; and

WHEREAS, there is no legal remedy available to D. M. Baucom against the State Board of Education or the State of North Carolina to compel the payment of the hospital and medical expenses and the expenses for repair to his automobile and for loss of time from work; and

WHEREAS, it is just and proper that D. M. Baucom be reimbursed by the State Board of Education for the loss and damages he has suffered: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The State Board of Education is hereby authorized and empowered to investigate the claim of D. M. Baucom, arising out of the injuries sustained by him and his wife and Payment of damages to D. M. Baucom.

the damage to his automobile and loss of time from work, and upon production of satisfactory proof that the said injuries, damages and loss of time from work were caused by the alleged negligent operation of the school bus and without contributory negligence on the part of the said D. M. Baucom, the State Board of Education is hereby authorized and empowered to reimburse D. M. Baucom for any and all expenses, damages and loss suffered by him through the above collision in an amount not to exceed six hundred fifty-four dollars and eight cents ($654.08).

Conflicting laws repealed.

SEC. 2. All laws and clauses and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 886 CHAPTER 1057

AN ACT TO AUTHORIZE THE STATE SCHOOL COMMISSION TO PAY L. B. FUNDERBURK COMPENSATION FOR DAMAGES RESULTING FROM A COLLISION BETWEEN AN AUTOMOBILE OWNED BY L. B. FUNDERBURK AND A SCHOOL BUS.

WHEREAS, on Monday morning January first, one thousand nine hundred and forty-five, a collision occurred on a narrow road about one mile from Union High School in Union County between the Chevrolet automobile owned and driven by L. B. Funderburk, agriculture teacher of the Union High School, and a school bus driven by Billy Frank Rorie, age sixteen, a student of Union High School; and

WHEREAS, at the time of the collision the school bus was being driven on its left-hand side of the road and said collision resulting from the negligent operation thereof; and

WHEREAS, damage was done to the automobile of the said L. B. Funderburk in the amount of one hundred and twenty dollars and fifty-seven cents ($120.57); and

WHEREAS, it is just and proper that the said L. B. Funderburk be recompensated for said damage: Now, therefore,

The General Assembly of North Carolina do enact:

Payment of damages to L. B. Funderburk.

SECTION 1. That the State School Commission is hereby authorized, in its discretion, after making investigation of all facts and circumstances of said collision, to pay to the said L. B. Funderburk such amount as may to it seem just and equitable

not to exceed one hundred and twenty dollars and fifty-seven cents ($120.57) as compensation for damages to his automobile in said collision.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 887 CHAPTER 1058

AN ACT RELATING TO THE SALARIES OF THE SHERIFF AND COUNTY ACCOUNTANT OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Caswell County is hereby authorized and empowered to fix the salary of the Sheriff of Caswell County in such amount as it may determine but not in excess of one hundred and seventy-five dollars ($175.00) per month and not less than one hundred and fifty dollars ($150.00) per month. Fixing salary of Sheriff of Caswell County.

SEC. 2. The Board of County Commissioners of Caswell County is hereby authorized and empowered to fix the salary of the County Accountant of Caswell County in such amount as it may determine but not in excess of one hundred and fifty dollars ($150.00) per month and not less than one hundred and fifteen dollars ($115.00) per month. Fixing salary of County Accountant of Caswell County.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 889 CHAPTER 1059

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND NINETY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE HEALTH UNIT IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Repealing a 1935 Act regarding health work in Graham County.

SECTION 1. That Chapter three hundred and ninety-one of the Public-Local Laws of one thousand nine hundred and thirty-five, be and the same hereby is, repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective July 1, 1946.

SEC. 3. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-six.

Ratified this the 21st day of March, 1945.

H. B. 892 CHAPTER 1060

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A JUNIOR COLLEGE IN NEW HANOVER COUNTY, NORTH CAROLINA.

WHEREAS, the exigency of war has cut short the education of many youths in North Carolina; and

WHEREAS, it is impractical for many persons to attend college or other schools of higher learning that are now established; and

WHEREAS, it is desirable to put within the reach of all persons, particularly the returning members of the armed forces to whose education the war put an untimely end, and opportunity to receive such advanced school work as will better fit them for citizenship: Now, therefore,

The General Assembly of North Carolina do enact:

Authorizing referendum in New Hanover County on establishment of Junior College.

SECTION 1. That the Board of Education of New Hanover County, subject to the aproval of the vote of the people as hereinafter provided for the levying of a tax to maintain a junior college in New Hanover County may, and it is, hereby vested with authority to establish such junior college at any point in New Hanover County that may be selected by it, suitable for such purpose, such site shall be so located as to use one or more of the buildings now a part of the county school system or which may hereafter become a part of the county school system, as a part of the building or buildings utilized by said junior college.

SEC. 2. That said junior college shall be operated and maintained by the said board of education for the purpose of providing a course of study equivalent to two years standard college work.

To be operated by Board of Education of New Hanover County.

SEC. 3. Said school shall be open to any pupils having the qualifications prescribed by said board of education and the Board of Education of New Hanover County shall have the right and it shall be its duty to charge and collect tuition for all students attending said college in such an amount as will, in its opinion, be necessary to pay the entire cost of the operation and maintenance of said junior college.

Pupils to pay tuition to support proposed college.

SEC. 4. That for the purpose of providing funds other than the amount to be derived from tuition, the county board of education may request the Board of County Commissioners of New Hanover County to order an election to be held in said county in accordance with the law governing general elections therein, as nearly as may be. A new registration shall be ordered for said election; and no less than thirty days notice of said election shall be given at the courthouse door and three other public places in the county; and published in some newspaper in said county once a week for four successive weeks preceding said election; and the registrars and pollholders shall canvass the vote cast, declare the result and duly certify the returns to the board of county commisisoners, and the returns shall be recorded in the records of said board of county commissioners.

Referendum.

SEC. 5. At said election there shall be submitted to the qualified voters of the county the question of levying and collecting a special tax on all taxable property of said county for the maintenance and equipment of a junior college therein. At such election those favoring the levying and collecting of such tax for such purpose shall vote a ballot on which shall be printed or written the words "For County Junior College" and those opposed shall vote a ballot on which shall be written the words "Against County Junior College" but no tax shall be levied in excess of five cents (5c) on the one hundred dollars' worth of property. The revenue derived from the levy, if the same is approved by the voters, shall constitute a fund from which the Board of Education of New Hanover County shall make such expenditures as are necessary to commence the operation of said junior college and to supplement, to the extent necessary, the funds derived from tuition fees in the event said tuition fees should not be sufficient to pay the entire cost of maintenance and operation.

Referendum to relate to 5 cents tax levy for proposed college.

SEC. 6. If a majority of the qualified voters shall vote "For County Junior College" then all the provisions of this Act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected, in the same manner and

Favorable vote authorizes establishment of proposed college and special levy to support the same.

at the same time as other taxes of the county are levied and collected, a tax on all property of the county sufficient to provide the sum required for the annual maintenance of said college not in excess of the limit of tax set forth in the next preceding section. The bond of the sheriff or tax collector of said county shall be responsible for the tax to the same extent as it is liable for other taxes collected by him.

Authorizing use of present property and equipment for proposed college.

SEC. 7. The county board of education shall have the right and it shall be its duty to utilize any of the buildings now or hereafter belonging to the county school system or any of the school equipment belonging to said system, provided same are not needed for carrying on the regular school system, for the operation and maintenance of said county junior college but the funds derived from the tax herein provided to be levied plus the tuition charges herein authorized to be collected, shall be by said board of education, through the treasurer of the county, kept in a separate and distinct fund and shall not be or become any part of the budget of the county board of education and said board shall not use any of the public school funds provided by its budget for the maintenance and operation of said county junior college except the said board may, in its discretion, employ such persons to devote a part of their time to the county school system and a part to said county junior college and shall prorate their salary from the respective funds for the payment of such person.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 898 CHAPTER 1061

AN ACT TO AMEND THE CHARTER OF THE TOWN OF STANTONSBURG, NORTH CAROLINA, SO AS TO PROVIDE FOR THE GENERAL ELECTION OF ELECTIVE MUNICIPAL OFFICIALS, AND GIVE THE MAYOR'S COURT JURISDICTION WITHIN A RADIUS OF ONE MILE FROM THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Authorizing election of mayor and 5 commissioners for Stantonsburg on Tuesday after first Monday in May 1946 and biennially thereafter.

SECTION 1. For the purpose of electing a mayor and five commissioners at large, all of the Town of Stantonsburg, North Carolina, there shall be held in said town on Tuesday after the first Monday in May, one thousand nine hundred and forty-six and biennially thereafter, a nonpartisan election. The offi-

cials so elected shall hold their office until their successors are elected and qualified.

That the mayor and commissioners shall take office on the first Monday in June subsequent to the election.

General election laws to apply.

SEC. 2. That said elections shall be conducted as far as practicable, in all things and in all details in accordance with the general election laws of the State, unless otherwise provided by this Act, and all general laws of the State of North Carolina, relating to elections, generally, now in force or hereafter enacted which govern elections, not inconsistent with this Act, shall apply as fully to such elections and the acts and things done thereunder, as to general elections, unless different provisions are made in this Act; and all acts made criminal, if committed in connection with a general election shall likewise be criminal, with same punishment when committed on an election held thereunder.

Candidates.

SEC. 3. Any person desiring to become a candidate for election as Mayor, or Commissioner of the Town of Stantonsburg shall on or before twelve o'clock, noon, of the first Monday in April preceding any election held thereunder file with the town clerk his or her declaration of candidacy for election to any such office and in such declaration shall state his or her name, age, place of residence, length of time a resident of the Town of Stantonsburg, and at the time of such filing pay to the Town of Stantonsburg, a fee equal to one per cent of his salary for the term of his office.

Ballots.

SEC. 4. When the time for filing the declaration for candidacy hereunder has expired the board of town commissioners shall cause to be prepared, for use in such election, ballots for each elective office. A sufficient number of ballots shall be furnished judges of election for the use of all qualified voters. The names of the opposing candidates, or the candidate for each respective office shall be placed on the same ballot with a blank square to the left of each name. Voters shall place in said squares opposite the name of the person such voter desires to cast the ballot for a cross mark, and no other method of marking the ballot by the voter shall be required. No names of candidates shall be printed on the official ballots than the names of those who in apt time have filed notice of their candidacy. The ballot may contain sufficient explanatory matter to designate the purpose thereof. There shall be voted in the said elections only the official ballots furnished, as herein provided for, and if other ballots be voted they shall not be counted.

Registrar and election procedure.

SEC. 5. The board of commissioners of said town shall select, at least thirty days before the election provided for in this section, one person who shall act as registrar of voters of the Town of Stantonsburg; said board of commissioners

shall make publication of the name of the person so elected at the town hall, immedaitely after such appointment, and shall cause notice to be served upon said person by the town clerk of said town. If any registrar shall die, resign, or neglect to perform his duties, said board of commissioners of the town shall appoint another in his place. Said board of commissioners shall provide for said registration books. The registrar, after being duly sworn by some person authorized to administer oaths, to faithfully discharge the duties of registrar as prescribed by law, shall revise the registration books of the Town of Stantonsburg in such manner that said books shall show an accurate list of electors previously registered in said Town of Stantonsburg, and still residing therein without requiring such electors to be registered anew unless said board of commissioners shall have ordered and required a new registration as is hereinafter provided; said registrar shall also, between the hours of nine o'clock a. m. and five o'clock p. m. on each day (Sunday excepted) for seven days preceeding the day for closing the registration books as hereinafter provided, keep open said books for the registration of any new electors residing in said Town of Stantonsburg and entitled to register whose names have never before been registered in said Town of Stantonsburg or do not appear in the revised list; that said books shall be open until nine o'clock p. m. of each Saturday, during such registration period said books shall be closed for registration on the third Saturday before each election under Section four above.

Registration and challenge.

SEC. 6. That on the second Saturday before the election said registration books shall be kept open at the polling place in the Town of Stantonsburg from nine o'clock a. m. until five o'clock p. m. to the inspection of the electors of said town, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection the registrar shall enter upon his books opposite the name of the person so objected the word "challenged," and shall appoint a time and place on or before the Monday immediately preceding election day when he, together with said judges of election, shall hear and decide said objection, giving personal notice to the voter so objected; and if for any cause personal notice can not be given, then it shall be sufficient to leave a copy thereof at his residence. If any person challenged or objected to shall be found not truly qualified, the registrar shall erase his name from the books. The board of commissioners shall on or before the first Monday in April, immediately preceding such election, appoint two judges of election, who shall be men of good character, able to read and write. The said judges of election shall attend the voting place on the day of election, and they, together with the registrar

of said Town of Stantonsburg, after being sworn by some person authorized to administer oaths to conduct the election fairly and impartially according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election; they shall keep poll books in which shall be entered the names of every person who shall vote and at the close of the election day they shall certify the same over their proper signatures and deposit them with the said board of town commissioners.

Regulations.

SEC. 7. No registration shall be allowed on the day of election but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of age of twenty-one years on the day of election, or has for any other reason on that day become entitled to register and vote, he shall be allowed to register and vote. When any person is challenged, the registrar and judges of election shall hear and determine the cause of the challenge under the rules and regulations, prescribed by the general law regulating elections for members of the General Assembly, and all qualified electors who shall have resided for ninety days immediately preceding an election within the limits of said Town of Stantonsburg, and not otherwise, shall have the right to vote for such town officers.

Canvassing election.

SEC. 8. The polls shall be open on the day of election from seven o'clock a. m. until seven o'clock p. m., and no longer; and such person whose name may be registered shall be entitled to vote. Immediately after an election the registrar and judges of election shall deposit the registration and poll books for the Town of Stantonsburg with the board of town commissioners or its clerk. The board of commissioners shall provide for said town necessary ballot boxes in which to deposit the ballots and each of said boxes shall have an opening through the lid to admit a single folded ballot and no more. Said ballot baxes shall be kept by the judges of election for the use of said election, and the said registrar and judge of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and said boxes shall be sealed or securely fastened and not opened until the polls are closed.

SEC. 9. When the election shall have been finished the registrar and judges of election shall open the boxes and count the ballots, reading the names aloud of the persons which shall appear on the ticket, and if there shall be two or more tickets rolled together, or if any ticket shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either case such ticket shall not be numbered in the taking of the ballot, but shall be void, and the counting of votes shall be continued

without adjournment until completed, and the result thereof declared. The registrar and judges of election shall also be the canvassers of said election, and shall judicially determine the returns of said election. Said board shall have power and authority to judicially determine and declare the result of same, and it shall have power and authority to send for papers and persons and examine the latter upon oath; and in case of a tie upon two opposing candidates the result shall be determined by lot.

Results of election.

SEC. 10. The election for each office shall be determined by a majority vote. In the event more than two persons are candidates for the same office and neither receive a majority of the votes cast for such office the person receiving the highest number of votes cast for such office shall be declared elected unless the candidate receiving the second highest number of votes cast shall within forty-eight hours after the result of the election shall have been canvassed and declared demand by writing filed with the town clerk for a second election, which demand must be accompanied by a payment to the Town of Stantonsburg of the sum of ten ($10.00) dollars, to the use of said town, and the commissioners shall thereupon call and arrange a second election to be held on the fourth Tuesday after the first Monday in May following the election for the purpose of electing an officer as between the two high candidates. Only the candidates receiving the largest and second largest vote in the first election shall be voted on in the second election.

Extending area of authority of police officers of Stantonsburg.

SEC. 11. The Chief of Police and each and every member of the Police Department of the Town of Stantonsburg, are hereby given the same jurisdiction and power in all territory situate within one mile of the corporate limits of said Town of Stantonsburg, as is now exercised by police officers within the corporate limits of said town.

Jurisdiction of Mayor's Court.

SEC. 12. That the Mayor's Court of the Town of Stantonsburg shall have the jurisdiction and powers in all criminal offenses occurring in all territory situate within one mile of the corporate limits of the Town of Stantonsburg, as is now exercised by mayor's court within the corporate limits of said town.

Conflicting laws repealed.

SEC. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 903 CHAPTER 1062

AN ACT TO PROVIDE A SPECIAL TAX FOR THE PAYMENT OF THE SALARIES OF THE COUNTY FARM AGENT AND THE COUNTY ACCOUNTANT OF PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Authorizing Pamlico County to levy taxes for county farm agent.

SECTION 1. That the Board of Commissioners for the County of Pamlico is hereby authorized and empowered to levy a special annual tax, not to exceed three cents (3c) on the one hundred dollars ($100.00) valuation of property, to supplement other county funds to be used in the payment of the salary of the county farm agent.

Authorizing Pamlico County to levy taxes for county accountant.

SEC. 2. That the Board of Commissioners for the County of Pamlico is hereby authorized and empowered to levy a special annual tax, not to exceed two cents (2c) on the one hundred dollars ($100.00) valuation of property, to supplement other county funds to be used in the payment of the salary of the county accountant.

Validating levies previously made for the foregoing purposes.

SEC. 3. That all levies heretofore made by the Board of Commissioners for the County of Pamlico, for funds to supplement other county funds used in payent of the salary of the county farm agent and the county accountant, are hereby ratified and approved.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 920 CHAPTER 1063

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CARY, NORTH CAROLINA.

WHEREAS, in the interest of public health and the general public welfare it is desirable that the area used as a public cemetery situated South of the present corporate limits of the own of Cary and almost immediately contiguous thereof should be included within the corporate limits of said town in order to facilitate the control of said area by the town authorities: Now, therefore,

The General Assembly of North Carolina do enact:

Extending corporate limits of Cary.

SECTION 1. That the corporate limits of the Town of Cary, North Carolina, be, and are hereby extended so as to include and embrace within the corporate limits the following described territory:

New limits.

Beginning at a point thirteen and five tenths feet West of an iron pipe—the original Southwest corner of Cary Cemetery; runs thence North eighty-four degree fifteen minutes West one hundred and twenty-four feet to a point; thence North three degrees thirty minutes East three hundred and seventy-two feet to the present Southern corporate limit of the Town of Cary; thence in an Easterly direction along the said Southern corporate limit line four hundred and thirty-five feet to a point; thence South four degrees West seventy-five feet to a point; thence South two degrees two miuntes East three hundred one and four tenths feet to a point; thence North eighty-six degrees two minutes West three hundred thirty-nine and three tenths feet to a point; thence North three degrees thirty minutes East fourteen feet to the point of beginning.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act be, and the same are hereby repealed to the extent of such conflict.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 925 CHAPTER 1064

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-FIVE OF THE GENERAL STATUTES OF NORTH CAROLINA BY ADDING THERETO AN ARTICLE TO BE KNOWN AS ARTICLE FOUR ENTITLED COPIES OF RECORDS CONCERNING VETERANS.

The General Assembly of North Carolina do enact:

Adding Article 4 to Chapter 165 of General Statutes.

SECTION 1. Chapter one hundred and sixty-five of the General Statutes of North Carolina is hereby amended by adding thereto an article to be known as Article four as follows:

ART. 4. Copies of Records Concerning Veterans.

Defining veteran.

SEC. 165-19. Definition. For the purpose of this Act the term veteran shall be given the meaning set fourth in Section one hundred sixty-five - two.

SEC. 165-20. Copies to be Furnished by Bureau of Vital Statistics. Upon application to the bureau of vital statistics by a representative of the North Carolina Veterans Commission, it shall be the duty of the bureau of vital statistics to furnish forthwith to such applicant without charge or fee certified copies of all such vital statistical records or other records, including but not limited to birth certificates and death certificates, concerning any veteran which, in the judgment of such representative of the North Carolina Veterans Commission may be necessary or desirable in order to secure for such veteran, his or her family or dependents, any right or benefit under any Federal, State, or local law, rule or regulation relating to veterans: *Provided,* that the provisions of this section shall be subject to those provisions of Chapter forty-eight of the General Statutes which relate to the records in adoption proceedings.

Providing for procurement from State Bureau of Vital Statistics, without charge, certified copies of birth, death and other certificates relating to veterans and their families.

SEC. 165-21. Copies to be furnished by registers of deeds. Upon application to the register of deeds of any county by a representative of the North Carolina Veterans Commission, it shall be the duty of such register of deeds to furnish forthwith to such applicant, without charge or fee, certified copies of any such marriage certificate or any other such official record or document concerning any veteran as in the judgment of such representative of the North Carolina Veterans Commission may be necessary or desirable in order to secure for such veteran, his or her family or dependents any right or benefit under any Federal, State or local law, rule or regulation relating to veterans.

Providing for procurement from Register of Deeds, without charge, certified copies of marriage certificates and other records relating to veterans.

SEC. 165-22. Officials relieved of liability for fees. No official chargeable with the collection of any fee or charge under the laws of the State of North Carolina in connection with his official duties shall be held accountable on his official bond or otherwise for any fee or charge remitted pursuant to the provisions of this article.

Relieving foregoing officials from liability for foregoing fees.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 943 CHAPTER 1065

AN ACT TO AUTHORIZE THE SHERIFF OF SURRY COUNTY TO EMPLOY TWO DEPUTY SHERIFFS AND TO FIX THE SALARY OF THE SHERIFF AFTER THE EXPIRATION OF THE TERM OF OFFICE OF THE PRESENT SHERIFF.

Authorizing employment of two deputy sheriffs in Surry County and fixing their salaries.

SECTION 1. That the Sheriff of Surry County is hereby authorized and empowered, by and with the advice and consent of the Board of County Commissioners of Surry County, to employ two deputy sheriffs. Said deputies shall receive such salaries as the Board of Commissioners of Surry County shall fix, not to exceed one hundred twenty-five dollars ($125.00) per month.

Increasing salary of Sheriff of Surry County.

SEC. 2. That from and after July first, one thousand nine hundred and forty-five, the Board of Commissioners of Surry County is authorized and empowered to increase the salary of the Sheriff of Surry County in such an amount as it sees fit: *Provided,* that the salary of said sheriff as so increased shall not exceed three thousand three hundred dollars ($3,300.00) per annum.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 944 CHAPTER 1066

AN ACT TO AMEND SECTION SEVEN - ONE HUNDRED AND THIRTY-FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA, NINETEEN HUNDRED AND FORTY-THREE, RELATING TO FEES OF JUSTICES OF THE PEACE IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Amending law relating to fees of justices of peace in Granville County.

SEC. 1. That Section seven - one hundred and thirty-four of the General Statutes of North Carolina, one thousand nine hundred and forty-three, relating to fees of justices of the peace in Granville County, be and the same is hereby amended by striking out the word "Granville" in the second paragraph thereof and by adding at the end of said section the following:

Justice of the peace in Granville County shall receive the following fees and none other:

Justice of the Peace Bill of Costs in

Civil Actions

Continuance	$ .50
Issuing summons and entering judgment where the action is not contested	1.10
Additional defendants, each	.25
Plaintiffs undertaking	.50
Defendants undertaking	.50
Order for removal	.50
Issuing subpoena each witness	.15
Judgment contested each where there is no jury trial	1.50
Transcript of judgment each	.25
Issuing execution of judgment	.50
Return notice on appeal	.50
Jury trial and entering judgment	3.00
Order for jury and drawing jury	.75
Issuing Claims and Delivery proceedings each	3.00
Judgment contested each	1.50
Additional contesting defendants each	.50
Issuing attachment proceedings and order to seize property, each	3.00
Judgment contested each	1.50
Additional contesting defendants, each	.50
Signing garnishee notice for taxes for each person	.25
For each hearing and judgment entered	1.50
Probate of deed chattel mortgage, or deed of trust for each signer thereof	.25
Hearing petition for widow's year's allowance, issuing notice to commissioners, allotting the same making returns	2.00
Filing and docketing laborer's lien	.75

Justice of the Peace Bill of Cost in Criminal Actions

Return to notice of appeal	.50
Continuance	.50
Affidavit each	.25
Warrant each	.75
Issuing subpoena each witness	.15
Commitment each	.50
Recognizance each	.25
Judgment not contested each defendant	.75
Judgment contested each where there is no jury trial	1.50
Order for removal	.50
Taking bond for each defendant	.50
Capias and order	1.00
Jury trial and entering judgment	2.00
Order for jury and drawing jury	.75
Scire facias each	1.00

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 948 CHAPTER 1067

AN ACT TO AMEND CHAPTER EIGHTY-ONE OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO PUBLIC WEIGHT MASTERS.

The General Assembly of North Carolina do enact:

Amending law relating to public weighing masters.

SECTION 1. Chapter eighty-one, Article four of the General Statutes of North Carolina is hereby amended as follows:

(1) Amend Section eighty-one - thirty-six by inserting a comma after the word "act" in line fifteen and striking out the succeeding word "and."

(2) Insert a new section to be numbered Section eighty-one - thirty-six point one to read as follows:

To be administered by Department of Agriculture.

SEC. 81-36.1. Administration of article. The provisions of this article shall be administered by the State Department of Agriculture through the State Superintendent of Weights and Measures.

(3) Insert a new section to be numbered eighty-one - forty-three point one to read as follows:

Relating to weighing tobacco in sales warehouses.

SEC. 81-43.1. All leaf tobacco offered for sale in a leaf tobacco warehouse in this State shall be weighed by a public weigh master, shall be accompained by a public weigh master certificate, and shall be and remain in custody of the warehouse operator from and after the time it is weighed by the public weigh master until it is sold or the bid is rejected by the owner thereof.

Constitutionality.

SEC. 2. If any part of this Act, or the application thereof to any person or condition, is held to be invalid, such invalidity shall not affect other parts of this Act or their application to any person or condition.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect sixty days after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 949 **CHAPTER 1068**

AN ACT ENABLING TRANSYLVANIA COUNTY AND THE TOWN OF BREVARD TO JOINTLY ESTABLISH AIRPORTS AND PROVIDE FOR THE MAINTENANCE OF JOINT AIRPORTS BY SAID COUNTY AND TOWN.

The General Assembly of North Carolina do enact:

Defining airport.

SECTION 1. Airport or landing field for the purpose of this and the sections following is defined as any plot of land or water formally set aside, and designated as a place where aircraft may land or take off.

Authorizing Transylvania and Brevard to acquire and operate jointly an airport.

SEC. 2. The governing bodies of Transylvania County and of the Town of Brevard, a municipal corporation under the laws of the State of North Carolina, located in Transylvania County, in said State, are hereby authorized to jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate, airports or landing fields for the use of airplanes and other aircraft within or without, or partly within and partly without, the corporate limits of said town and within the limits of said county, and may use for such purpose or purposes any properties suitable therefor that are now or may at any time hereafter be jointly owned or controlled by said county and town.

Providing power of eminent domain in acquiring land.

SEC. 3. Any lands acquired, owned, controlled or occupied by said county and town for the purposes enumerated in Section two hereof, shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose, and said county and town shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public purpose.

Authorizing acceptance of gifts and purchase of property.

SEC. 4. Private property needed by said county and town for an airport or landing field may be acquired by gift or devise or shall be acquired by purchase if said county or town are able to agree with the owner or owners on the terms thereof, and otherwise by condemnation, under and in accordance with the laws of the State of North Carolina relating to eminent domain and condemnation proceedings. The purchase price or award for property acquired for an airport or landing field may be paid for by appropriation of money available therefor or by the application of any funds derived by said county or by said town from the sale of any lands now or heretofore or hereafter owned for airport or landing field purposes or other purposes, or wholly or partly from the proceeds of the sale of bonds of said county or of said town as the governing body thereof shall determine.

Financing.

SEC. 5. The governing bodies of said county and town and each of them are hereby authorized from time to time to appropriate and use from the net proceeds derived from the operation by either said county or said town of any public utility, or from funds derived from any source other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to the establishment and maintenance of any airport in such proportion and upon such basis as may be determined by the governing bodies of said county and town. *Provided* nothing herein shall be construed to permit the governing body of said county or of said town to issue bonds under the provisions of this Act without a vote of the people.

Issuance of bonds to require vote of the people.

Joint Commission.

SEC. 6. A joint commission shall be appointed by the governing bodies of said county and town as follows: The County of Transylvania shall be entitled to have two representatives on said commission, both of whom shall be designated and appointed by the Board of Commissioners of the said County of Transylvania at any time after the ratification of this Act and before the first day of July, one thousand nine hundred and forty-five. One of said representatives shall hold office from the time of appointment until the first day of July, one thousand nine hundred and forty-eight, and until his successor shall be appointed. The other shall hold office from the time of his appointment until the first day of July, one thousand nine hundred and forty-six, and until his successor shall be appointed. Successors to each of such appointees shall be from time to time appointed by the Board of Commissioners of said Transylvania County at any time during the period of sixty days next preceding the expiration of then current terms, so as to perpetuate and maintain the commission with its original number of members. The Town of Brevard shall be entitled to have three representatives on said commission, and those representatives shall be appointed by the Board of Commissioners of the said Town of Brevard at any time after the ratification of this Act and before the first day of July, one thousand nine hundred and forty-five, and shall hold office until the first day of July, one thousand nine hundred and forty-seven, and until their successors shall be appointed. A successor to any appointee shall be from time to time appointed by the Board of Aldermen of said Town of Brevard at any time during the sixty days next preceding the expiration of the then current term, so as to perpetuate and maintain the commission with its original number of members. The term of everyone and all of the representatives of both county and town, subsequent to the original appointments hereinbefore provided for, shall be for a term of three years and until their respective successors are appointed. Representatives shall be eligible for reappointment. The commission so appointed by the

governing bodies of said county and town shall be known and designated as the "Brevard Airport Commission." Upon the occurrence of any vacancy on said commission, the same shall be filled within sixty days after notice thereof, at a regular meeting by the governing body of the governmental unit which has a vacancy in its representation.

Brevard Airport Commission.

SEC. 7. The commission so appointed by the governing bodies of said county and town shall act in an administrative capacity and shall be vested with the authority to establish, construct, control, lease, maintain, improve, operate, and regulate the joint airports or landing fields. It shall have complete authority over any and every airport or landing field jointly acquired by the governing bodies represented on said commission. *Provided* that said commission or the individual members thereof shall have no authority to pledge the credit of either of said governmental units. The said commission shall have authority to deal with the Civil Aeronautics Authority of the United States Government and all other representatives of said Federal government relative to the grading, constructing, equipping, improving, maintaining, and operating airports or landing fields established or acquired under the authority of this Act. A majority of said commission shall control its decisions. At the first meeting of said commission and annually thereafter it shall elect a chairman from among its members. Each member of said commission, including the chairman, shall have one vote. The said commission shall meet at such place and time as the chairman shall designate. The members of said commission shall serve without compensation and shall take an oath of office administered by some officer qualified to administer oaths under the laws of the State of North Carolina. Members of said commission shall not be personally liable in any manner for the acts of the commission, except for misfeasance or malfeasance.

Duties and powers of Joint Commission.

Said commission shall have the right and is empowered to expend such funds as are appropriated from time to time by said county and said town, jointly or severally, for joint airport purposes, and is empowered to enter into contracts and pledge the credit of the commission to the extent of the moneys appropriated by the said governmental units for joint airport purposes and assets otherwise acquired by the commission, in furtherance of the purpose of this Act.

SEC. 8. The Board of Commissioners of Transylvania County shall be and it is hereby authorized and empowered to convey to the said Brevard Airport Commission any real estate owned by Transylvania County, North Carolina, not required for governmental purposes, or, in its discretion, it may sell such real estate and pay over the proceeds to the said commission, to be used for the purpose of this Act. The said Brevard

Authorizing Transylvania County to convey certain property to Brevard Airport Commission and authorizing the Commission to purchase certain property.

Airport Commission shall be and it is hereby authorized and empowered to purchase or in any other lawful way to acquire property, real and personal; and also to sell, exchange, convey, and lease property, real and personal, as shall in its judgment be necessary or expedient in furtherance of the purpose of this Act.

Applies only to Transylvania County and Brevard.

SEC. 9. This Act shall apply only to Transylvania County and the Town of Brevard.

Constitutionality.

SEC. 10. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 955 CHAPTER 1069

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CALDWELL COUNTY AND THE GOVERNING BODY OF THE CITY OF LENOIR TO CONTROL OR PROHIBIT THE SALE OF WINE WITHIN THEIR RESPECTIVE BORDERS.

The General Assembly of North Carolina do enact:

Authorizing Caldwell County to regulate or prohibit sale of wine, except in Lenoir action by its governing body is necessary.

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Caldwell County shall have full power and authority, by resolution duly adopted, to prohibit or regulate the sale of wine within said county, except that it may not prohibit the sale of wine in the City of Lenoir unless the governing body of said municipality adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality.

Authorizing Lenoir to regulate or prohibit sale of wine.

SEC. 2. The governing body of the City of Lenoir, in the County of Caldwell, from and after the effective date of this Act shall have full power and authority, by resolution adopted, to prohibit and regulate the sale of wine within the corporate limits of its municipality.

Power to regulate.

SEC. 3. The Board of County Commissioners of Caldwell County and/or the governing body of the City of Lenoir may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of

applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in Section one of this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted by the Board of Commissioners of Caldwell County or the governing body of the City of Lenoir, pursuant to the authority prescribed herein, shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 956 CHAPTER 1070

AN ACT RELATING TO THE TERM OF OFFICE OF THE TRUSTEES OF THE HENDERSONVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the terms of office of the present members of the Trustees of the Hendersonville Graded School as now constituted shall expire on the first Thursday in June, one thousand nine hundred and forty-five; that immediately thereafter and not later than two weeks from said date the Board of Commissioners of the City of Hendersonville shall meet and appoint a board of five members who shall be known by the style and name of the previous board, viz., "The Trustees of the Hendersonville Graded School," who shall be vested with all the authority now or hereafter conferred by law upon such trustees in the area comprising the Hendersonville Administrative Unit.

Relating to term of office of Trustees of Hendersonville School District.

SEC. 2. The trustees appointed by authority of Section one hereof shall be citizens and residents of the administrative unit and two of such members shall be appointed for a term of four years and three of such members shall be appointed for a term of six years, and to serve until their successors are appointed

and qualified. Their successors shall each be appointed for a term of six years. Any vacancy occurring by reason of the death, resignation or otherwise of any member shall be filled by the Board of Commissioners of the City of Hendersonville for the unexpired term at their next regular meeting.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shal be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 957 CHAPTER 1071

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF WASHINGTON COUNTY TO LEVY SPECIAL TAXES FOR SPECIAL PURPOSES.

The General Assembly of North Carolina do enact:

Authorizing Washington County to levy special taxes for County farm agent and home demonstration agent.

SECTION 1. The Board of Commissioners of Washington County is hereby authorized to levy annually on all taxable property in said county a special tax not in excess of ten cents (10c) on each one hundred dollars valuation of property in said county, the same to be applied when collected to the support and maintenance of the county farm agency and home demonstration agency. The levy and appropriation for the purposes hereinbefore set out in this section are hereby declared to be for necessary expenses and for a special purpose within the meaning of the Constitution of North Carolina, and the same shall be valid and binding without a vote of the majority of the qualified voters of said county.

Authorizing special levy for forest fire control and prevention.

SEC. 2. The Board of Commissioners of Washington County is hereby authorized to levy annually on all taxable property in said county a special tax not in excess of ten cents (10c) on each one hundred dollars valuation of property in said county, the same to be applied when collected to the support and maintenance of a county system of forest fire control and fire protection. The levy and appropriation for the purposes hereinbefore set out in this section are hereby declared to be for necessary expenses and for a special purpose within the meaning of the Constitution of North Carolina, and the same shall be valid and binding without a vote of the majority of the qualified voters of said county.

Special levy for county welfare department and support of poor.

SEC. 3. The Board of Commissioners of Washington County is hereby authorized to levy annually on all taxable property in said county a special tax not in excess of fifteen cents (15c)

on each one hundred dollars valuation of property in said county, the same to be applied when collected to the support and maintenance of the county welfare department and to the care and support of the indigent poor of Washington County. The levy and appropriation for the purposes hereinbefore set out in this section are hereby declared to be for necessary expenses and for a special purpose within the meaning of the Constitution of North Carolina, and the same shall be valid and binding without a vote of a majority of the qualified voters of said county.

Constitutionality.

SEC. 4. If any section or part of any section of this Act shall be declared unconstitutional, the remainder of the Act shall not thereby be invalidated.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 958 CHAPTER 1072

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE SO AS TO BETTER DESCRIBE BLINDS FOR THE HUNTING OF MIGRATORY WILDFOWL IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Amending law regarding blinds in hunting wildfowl.

SECTION 1. That Chapter one hundred and sixty of the Public Laws of one thousand nine hundred and thirty-five be amended by adding a new section to be known as Section seventeen A which shall read as follows:

Blinds must be at least 30 inches above the water.

SEC. 17A. Any box battery, bush blind, stationary bush blind, floating bush blind or any other floating device used in the hunting of wildfowl on the waters of Currituck Sound or its tributaries in Currituck County shall be at least thirty inches above the water.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 967 CHAPTER 1073

AN ACT RELATING TO THE RECORDER'S COURT OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Providing for quadrennial election of Judge of Recorder's Court of Columbus County.

SECTION 1. That at the general election in November one thousand nine hundred forty-six, and each four years thereafter, there shall be elected a Judge of the Recorder's Court of Columbus County.

Fixing salary of foregoing judge at $2100.00.

SEC. 2. That the salary of the Judge of the Recorder's Court of Columbus County shall be twenty one hundred dollars per annum, payable in equal monthly installments by the Board of County Commissioners of Columbus County from the general fund of said county.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 968 CHAPTER 1074

AN ACT TO VEST IN THE BOARD OF COUNTY COMMISSIONERS OF CAMDEN COUNTY THE RIGHT TO REFUSE TO ISSUE LICENSES FOR THE SALE OF WINE AND BEER.

The General Assembly of North Carolina do enact:

Authorizing Camden County to refuse, in its discretion, to issue wine licenses.

SECTION 1. That the Board of County Commissioners of Camden County is hereby authorized and empowered in its discretion to refuse to issue licenses for the sale or handling of wine in Camden County in any case in which, in the opinion of the board, the issuance of such license would be contrary to the public interest.

Applies only to Camden County.

SEC. 2. That this Act shall apply only to Camden County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 970 CHAPTER 1075

AN ACT TO REGULATE THE SALARY AND/OR EXPENSES OF CERTAIN OFFICIALS OF THE COUNTY OF BRUNSWICK, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Authorizing Brunswick County to pay Judge of Recorder's Court $25.00 per month for traveling expenses.

SECTION 1. That the County Commissioners of the County of Brunswick be and they are hereby directed to pay to the Judge of the Recorders Court of Brunswick County, the sum of twenty-five dollars ($25.00) per month for traveling expenses.

Increasing salary of Assistant Clerk, the Auditor and Register of Deeds $25.00.

SEC. 2. That the County Commissioners of the County of Brunswick be and they are hereby directed to pay to the assistant clerk of the superior court, the auditor, the register of deeds (who is also clerk to the board of commissioners) the sum of twenty-five dollars ($25.00) per month, in addition to the compensation they are now receiving.

Fixing per diem of County Commissioners at $10.00.

SEC. 3. That the county commissioners are to be paid the sum of ten dollars ($10.00) per day when they are in session.

SEC. 4. This Act is to be in full force and effect from and after its ratification.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Ratified this the 21st day of March, 1945.

H. B. 971 CHAPTER 1076

AN ACT TO PROHIBIT THE SALE OF WINE IN RUTHERFORD, MONTGOMERY, CHATHAM, MOORE, BUNCOMBE, CASWELL, DUPLIN AND RICHMOND COUNTIES.

The General Assembly of North Carolina do enact:

Authorizing Rutherford, Montgomery, Chatham, Gates, Hertford, Moore, Buncombe, Caswell, Duplin and Richmond Counties to regulate or prohibit sale of wine, except within municipalities action of same is necessary.

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Rutherford, Montgomery, Chatham, Gates, Hertford, Moore, Buncombe, Caswell, Duplin and Richmond Counties shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said respective counties, except that it may not prohibit the sale of wine in any municipality of said counties unless the governing body adopts a resolution prohibiting the sale of wine within the corporate limits of said municipality.

Authorizing municipalities in foregoing counties to regulate or prohibit sale of wine.

SEC. 2. The governing body of any municipality in Rutherford, Montgomery, Chatham, Gates, Hertford, Moore, Buncombe, Caswell, Duplin and Richmond Counties, from and after the ef-

fective date of this Act shall have full power and authority, by resolution adopted, to regulate or prohibit the sale of wine within the corporate limits of its municipality.

Power to regulate.

SEC. 3. The Board of County Commissioners of Rutherford, Montgomery, Chatham, Gates, Hertford, Moore, Buncombe, Caswell, Duplin and Richmond Counties and/or the governing body of any municipality of said counties may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act or any resolution adopted by the Board of Commissioners of either Rutherford, Montgomery, Chatham, Gates, Hertford, Moore, Buncombe, Caswell, Duplin and Richmond Counties or the governing body of any municipality therein, pursuant to the authority prescribed herein, shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the courts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 972 CHAPTER 1077

AN ACT TO INCLUDE RUTHERFORD COUNTY IN THE PROVISIONS OF HOUSE BILL NUMBER TWO HUNDRED AND SEVENTY-FIVE, ENACTED BY THE GENERAL ASSEMBLY, SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-FIVE, AND RATIFIED MARCH THIRTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

The General Assembly of North Carolina do enact:

Extending H. B. 275 of 1945 Session to Rutherford County.

SECTION 1. Notwithstanding any other provision of law, the provisions of House Bill Number two hundred and seventy-five, enacted by the General Assembly, Session of one thousand nine hundred and forty-five, and ratified March thirteenth, one thousand nine hundred and forty-five, shall be construed as being applicable, and the same is hereby made applicable, to Rutherford County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 974 CHAPTER 1078

AN ACT RELATING TO THE STOCK LAW AS IT APPLIES TO FRUITVILLE TOWNSHIP IN CURRITUCK COUNTY, BY AMENDING HOUSE BILL NUMBER SEVEN HUNDRED AND NINETY-ONE.

The General Assembly of North Carolina do enact:

Amending H. B. 791 of 1945 Session relating to Currituck County.

SECTION 1. That Section one of House Bill Number seven hundred and ninety-one, passed at the one thousand nine hundred and forty-five session of the General Assembly, be amended by striking out the period at the end thereof and adding the following:

"actually owned by bona fide citizens of Fruitville Township and listed for taxation in Fruitville Township, in Currituck County."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 975 **CHAPTER 1079**

AN ACT TO AUTHORIZE THE REGULATION OR PROHIBITION OF THE SALE OF WINE IN GUILFORD COUNTY AND THE MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Authorizing Guilford County to regulate or prohibit the sale of wine, except within municipalities action by same is necessary.

SECTION 1. From and after the effective date of this Act, the Board of County Commissioners of Guilford County shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within said county, except that it may not prohibit the sale of wine in any municipality of said county unless the governing body of such municipality adopts a resolution prohibiting the sale of wine within the corporate limits of such municipality.

Authorizing municipalities in Guilford County to regulate or prohibit sale of wine.

SEC. 2. The governing body of any municipality in Guilford County, from and after the effective date of this Act, shall have full power and authority, by resolution duly adopted, to regulate or prohibit the sale of wine within the corporate limits of such municipality.

Power to regulate.

SEC. 3. The Board of County Commissioners of Guilford County, and/or the governing body of any municipality of said county, may adopt rules and regulations regulating the sale of wine within the territory specified in Section one and Section two hereof, fixing the hours of sale, the places of business to which license may be issued, the location of places of business which may engage in the sale of wine, and pass upon the qualifications of applicants for license and may in its discretion prescribe the terms and conditions upon which a licensee may engage in the sale of wine. No resolution shall be adopted pursuant to the authority hereof until the governing body shall have published thirty (30) days notice of its intention to consider the adoption of such resolution.

Effective date of regulations.

SEC. 4. Upon the passage or adoption of any resolution as provided in this Act, prohibiting the sale of wine, any person, firm, or corporation theretofore licensed to sell wine and having on hand stocks of wine, shall have thirty (30) days from the date of the passage of such resolution in which to dispose of such stock of wine.

Violations constitute misdemeanor.

SEC. 5. Any person, firm, or corporation violating the provisions of this Act, or any resolution adopted by the Board of Commissioners of Guilford County or the governing body of any municipality therein, pursuant to the authority prescribed therein, shall be guilty of a misdemeanor, and upon conviction or confession of guilt, shall be punished in the discretion of the court.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 977 CHAPTER 1080

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-FOUR OF THE PUBLIC LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO FEES TO BE RECEIVED BY JUSTICES OF THE PEACE OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one of Chapter three hundred and twenty-four of the Public Laws of the Session of one thousand nine hundred and forty-one by striking out all of that part of said Section one relating to the fees to be charged, collected and received by the Justices of the Peace of Henderson County in criminal actions and by inserting in lieu thereof the following: Amending law relating to fees of justices of peace in Henderson County.

That in all criminal cases where a justice of the peace has final jurisdiction, he shall charge and tax as part of the cost of a case the sum of six dollars ($6.00) as his fee in said case; that said fee of six dolars ($6.00) shall be in lieu of any and all other fees heretofore charged and collected by a justice of the peace as his fees in a criminal action where the said justice has final jurisdiction. In all cases where warrants are issued by a justice of the peace and the case is transferred to the recorder's court, the superior court, or any higher court for final adjudication or determination, including appeals from a justice of the peace in criminal cases where he has final jurisdiction, the said justice of the peace shall receive the sum of six dollars ($6.00) as his fee and the same shall be taxed as a part of the cost by the clerk of the recorder's court, the superior court, or other higher court, and in addition thereto, the said fee of six dollars ($6.00) shall be paid to said justice of the peace by the county commissioners out of the general funds of the county as hereafter provided. The various justices of the peace shall file with the board of county commissioners a verified itemized statement of the cost due them on or before the first Monday in each month, which said itemized statement shall be approved by the clerk of the superior court. Upon approval of the itemized statement by the clerk of the superior court, it shall be the duty of the board of county commissioners to pay each justice of the

peace the fees due him out of the general funds of the county. In all cases where warrants are issued by justices of the peace and the case is transferred to the recorder's court, the superior court, or to any higher court for final adjudication and determination, the clerks of said courts, in addition to all fees taxed and charged against the defendant as now allowed by law, shall tax and charge in said cost a fee of two dollars and fifty cents ($2.50) and the fee of six dollars ($6.00) heretofore referred to as the fee of the justice of the peace. On collection of the clerk's additional fee of two dollars and fifty cents ($2.50) and the fee for the justice of the peace in the amount of six dollars ($6.00), the same shall be paid to the general fund of Henderson County. The Board of County Commissioners of Henderson County may, in their discretion, and by a proper resolution passed by said board, abolish and declare invalid and of no effect the provisions or system of compensating justices of the peace as contained in this Act. If the system of compensating justices of the peace as contained in this Act is abolished by the board of county commissioners, then and in that event, and notwithstanding any repealing clauses herein contained, the Justices of the Peace of Henderson County shall be compensated as to their fees as provided by Section one of Chapter three hundred and twenty-four of the Public Laws of the Session of one thousand nine hundred and forty-one as the same existed prior to the passage of this Act.

Applies only to Henderson County.

SEC. 2. This Act shall apply to Henderson County only.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 978 CHAPTER 1081

AN ACT RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

Fixing compensation of Commissioners of Burke County.

SECTION 1. That each member of the Board of Commissioners of Burke County shall receive for his services and expenses in attending the meetings of the board a sum not exceeding ten dollars ($10.00) per day, and mileage to and from their respective homes and the county seat not to exceed five cents (5c) per mile.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 980 CHAPTER 1082

AN ACT RELATING TO THE OFFICE HOURS OF THE SEVERAL PUBLIC OFFICES IN WARREN COUNTY, NORTH CAROLINA.

SECTION 1. The Board of County Commissioners of Warren County is hereby authorized and empowered to permit any public office of the county to close at one o'clock p. m. on either Tuesday, Wednesday, or Thursday of each week; and neither the official or any of his assistants in charge of any such office shall be required to be present at said office during the hours which the board of county commissioners authorize said offices to be closed. Authorizing Warren County to close county offices each Tuesday, Wednesday or Thursday afternoon.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 985 CHAPTER 1083

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIX OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE FIXING OF THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter three hundred and six of the Public-Local and Private Laws of the Session of one thousand nine hundred and forty-one be and the same hereby is amended by striking out in lines eleven and twelve of said section the words and figures "seven hundred dollars ($700.00)" and inserting in lieu thereof the words "twelve hundred dollars ($1,200.00)." Amending law relating to salaries in New Hanover County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 986 CHAPTER 1084

AN ACT TO AMEND COMMITTEE SUBSTITUTE FOR HOUSE BILL NUMBER ONE HUNDRED AND THIRTY-FIVE RATIFIED MARCH EIGHTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE, TO PROVIDE THAT COURTS MAY ORDER PRIVATE SALES BY GUARDIANS.

The General Assembly of North Carolina do enact:

Amending 1945 Act regarding private sales by guardians.

SECTION 1. That Section one of Committee Substitute for House Bill Number one hundred and thirty-five, ratified March eighth, one thousand nine hundred forty-five, is hereby amended by striking out the following language in lines twenty-two through twenty-six of the printed bill: "all such sales shall be conducted and held according to the terms and provisions of Article twenty-nine of Chapter one of the General Statutes of North Carolina, the same being entitled: 'Execution and Judicial Sales;' but."

Said Section one is hereby further amended by adding at the end thereof the following: Nothing herein contained shall be construed to divest the court of the power to order private sales as heretofore ordered in proper cases.

Amending Section 2 of same 1945 Act.

SEC. 2. That Section two of Committee Substitute for House Bill Number one hundred and thirty-five, ratified March eighth, one thousand nine hundred forty-five, is hereby amended by striking out the following language in lines twenty through twenty-three of the printed bill: "all such sales shall be conducted and held according to the terms and provisions of Article twenty-nine of Chapter one of the General Statutes of North Carolina, the same being entitled: 'Execution and Judicial Sales;' but."

Said Section two is hereby further amended by adding at the end thereof the following: Nothing herein contained shall be construed to divest the court of the power to order private sales as heretofore ordered in proper cases.

Amending Section 3 of same 1945 Act.

SEC. 3. That Section three of Committee Substitute for House Bill Number one hundred and thirty-five, ratified March eighth, one thousand nine hundred forty-five, is hereby amended by

striking out the following language in lines thirty through thirty-five of the printed bill: All sales held and conducted under the authority of this section shall be held and conducted according to the terms and provisions of Article twenty-nine of Chapter one of the General Statutes of North Carolina, the same being entitled: "Execution and Judicial Sales."

Said Section three is hereby further amended by adding at the end thereof the following: Nothing herein contained shall be construed to divest the court of the power to order private sales as heretofore ordered in proper cases.

Amending Section 4 of same 1945 Act.

SEC. 4. That Section four of Committee Substitute for House Bill Number one hundred and thirty-five, ratified March eighth, one thousand nine hundred forty-five, is hereby amended by striking out the following language in lines thirty-four through thirty-nine of the printed bill: All sales of property held and conducted under the authority of this section shall be held and conducted according to the terms and provisions of Article twenty-nine of Chapter one of the General Statutes of North Carolina, the same being entitled: "Execution and Judicial Sales."

Amending Section 5 of same 1945 Act.

SEC. 5. That Section five of Committee Substitute for House Bill Number one hundred and thirty-five, ratified March eighth, one thousand nine hundred and forty-five, is hereby amended by inserting a period after the word "situated" in lines six and seven of the printed bill and by striking out the remainder of said section.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 990 **CHAPTER 1085**

AN ACT RELATING TO THE DISPOSITION OF MONEY ON HAND BELONGING TO THE TRYON-SALUDA CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Providing for division of funds of the former Tryon-Saluda city administrative school unit.

SECTION 1. That all funds on hand as of July first, one thousand nine hundred and forty-five, or any funds collected thereafter from any previous special tax levy for the Tryon-Saluda City Administrative Unit shall be divided between the newly created Tryon City Administrative Unit and Saluda Special School District upon the same basis as the funds derived from

such tax levies were divided between the Tryon-Saluda City Schools prior to July first, one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 991 CHAPTER 1086

AN ACT TO INCLUDE GRANVILLE COUNTY IN THE PROVISIONS OF HOUSE BILL NUMBER TWO HUNDRED AND SEVENTY-FIVE, ENACTED BY THE GENERAL ASSEMBLY, SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-FIVE, AND RATIFIED MARCH THIRTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

The General Assembly of North Carolina do enact:

Extending H. B. 275 of 1945 Session to Granville County.

SECTION 1. Notwithstanding any other provision of law, the provisions of House Bill Number two hundred and seventy-five, enacted by the General Assembly, Session of one thousand nine hundred and forty-five, and ratified March thirteenth, one thousand nine hundred and forty-five, shall be construed as being applicable, and the same is hereby made applicable, to Granville County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 992 CHAPTER 1087

AN ACT TO AMEND HOUSE BILL NUMBER FOUR HUNDRED AND THIRTY-SIX, ENTITLED "AN ACT CREATING THE NORTH CAROLINA VETERANS COMMISSION."

The General Assembly of North Carolina do enact:

Amending H. B. 436 of 1945 Session.

SECTION 1. That Section one of House Bill Number four hundred and thirty-six, entitled "An Act Creating The North Carolina Veterans Commission," ratified on March seventeenth,

one thousand nine hundred and forty-five, be and the same hereby is amended by striking out in line forty-seven, page three, of the printed bill the word and figures "Section 164-2" and substituting in lieu thereof the word and figures "Section 165-2."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 993 CHAPTER 1088

AN ACT TO INCREASE THE PAY OF JURORS IN NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. From and after July first, one thousand nine hundred and forty-five, the pay of petit jurors and grand jurors in Nash County shall be increased from three dollars ($3.00) per day to four dollars ($4.00) per day. Increasing pay of jurors in Nash County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 994 CHAPTER 1089

AN ACT TO INCLUDE VANCE COUNTY IN THE PROVISIONS OF HOUSE BILL NUMBER TWO HUNDRED SEVENTY-FIVE, ENACTED BY THE GENERAL ASSEMBLY, SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-FIVE, AND RATIFIED MARCH THIRTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

The General Assembly of North Carolina do enact:

SECTION 1. Notwithstanding any other provision of law, the provisions of House Bill Number two hundred and seventy-five, enacted by the General Assembly, Session of one thousand nine hundred and forty-five, and ratified March thirteenth, one thousand nine hundred and forty-five, shall be construed as being Extending H. B. 275 of 1945 Session to Vance County.

applicable, and the same is hereby made applicable, to Vance County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 996 CHAPTER 1090

AN ACT TO AUTHORIZE THE CANCELLATION BY THE REGISTER OF DEEDS OF A MORTGAGE OR DEED OF TRUST UPON AFFIDAVITS OF FULL PAYMENT AND SATISFACTION THEREOF WHEN THE MORTGAGE OR DEED OF TRUST AND NOTES HAVE BEEN LOST AND THE MORTGAGE REMAINS UNCANCELLED UPON THE RECORDS UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina do enact:

Authorizing cancellation of lost mortgages under certain circumstances.

SECTION 1. That upon affidavit of the secretary and treasurer of a corporation showing that the records of such corporation show that such corporation has fully paid and satisfied all of the notes secured by a mortgage or deed of trust executed by such corporation and such payment and satisfaction was made more than twenty-five years ago, and that such mortgage or deed of trust was made to a corporation which ceased to exist more than twenty-five years ago, and such affidavit shall further state that the records of such corporation show that no payments have been made on such mortgage by the corporation executing such mortgage or deed of trust for twenty-five years, the register of deeds of the county in which such mortgage or deed of trust is recorded is authorized and empowered to file such affidavit and record the same in his office and make reference thereto on the margin of the record in which the said mortgage or deed of trust is recorded, and, upon making such entry, the said mortgage or deed of trust shall be deemed to be cancelled and satisfied and the said register of deeds is hereby authorized to cancel the same of record: *Provided,* that this Act shall not apply to any mortgagor corporation except those in which the State of North Carolina owns more than a majority of the capital stock and shall not apply to any mortgage or deed of trust in which the principal amount secured thereby exceeds the sum of fifteen thousand dollars: *Provided,* such can-

cellation shall not bar any action to foreclose such mortgage or deed of trust instituted within ninety days after the same is cancelled.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 997 **CHAPTER 1091**

AN ACT TO INCLUDE BUNCOMBE COUNTY IN THE PROVISIONS OF HOUSE BILL NUMBER TWO HUNDRED AND SEVENTY-FIVE, ENACTED BY THE GENERAL ASSEMBLY, SESSION ONE THOUSAND NINE HUNDRED AND FORTY-FIVE, AND RATIFIED MARCH THIRTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

The General Assembly of North Carolina do enact:

SECTION 1. Notwithstanding any other provision of law, the provisions of House Bill Number two hundred and seventy-five, enacted by the General Assembly, Session of one thousand nine hundred and forty-five, and ratified March thirteenth, one thousand nine hundred and forty-five, shall be construed as being applicable, and the same is hereby made applicable, to Buncombe County.

Extending H. B. 275 of 1945 Session to Buncombe County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 998 CHAPTER 1092

AN ACT TO AMEND SENATE BILL NUMBER THREE HUNDRED AND SIXTY-SIX RATIFIED ON MARCH TWENTIETH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE, WHICH IS ENTITLED "AN ACT TO REGULATE THE ISSUANCE OF LICENSES FOR THE SALE OF WINE AND BEER IN BLADEN COUNTY."

The General Assembly of North Carolina do enact:

Amending S. B. 366 of 1945 Session by cutting out the words "and beer."

SECTION 1. That Section one of Senate Bill Number three hundred and sixty-six of the General Assembly of one thousand nine hundred and forty-five ratified on March twentieth, one thousand nine hundred and forty-five be and the same is hereby amended by placing a period after the word "wine" in the last line, and striking the words "and beer" from said section.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 431 CHAPTER 1093

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GASTON COUNTY, IN THEIR DISCRETION, TO LEVY A TAX FOR THE SUPPORT AND MAINTENANCE OF THE GASTON COUNTY PUBLIC LIBRARY.

The General Assembly of North Carolina do enact:

Authorizing Gaston County to levy special tax for Gaston County Public Library.

SECTION 1. That the Board of County Commissioners of Gaston County be, and they are hereby, authorized and empowered, in their discretion, to levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax not to exceed five cents (5c) on each one hundred dollars ($100.00) valuation of property in said county, the same when collected to be applied to the upkeep, support and maintenance of the Gaston County Public Library, which said library is operated for the benefit of the public. The appropriations and taxes for the purpose hereinbefore provided are hereby declared to be for a ncessary expense and for a special purpose within the meaning of the Constitution of North Carolina, and for which the special approval of the General Assembly is

hereby given. It shall be valid and binding without a vote of a majority of the qualified voters of Gaston County.

Vote of people not required.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 438 **CHAPTER 1094**

AN ACT AUTHORIZING THE LEVY OF TAXES FOR CERTAIN SPECIAL PURPOSES IN RUTHERFORD COUNTY.

Authorizing Rutherford County to levy special tax for county accountant.

SECTION 1. The Board of Commissioners of the County of Rutherford is hereby authorized to levy on all taxable property in said county, in addition to all other taxes authorized by law, a special tax, not exceeding three cents on the one hundred dollars of property valuation, for the special purpose of paying the salary of the county accountant and expenses of maintaining the office of county accountant necessary for the performance of his duties as prescribed in the County Fiscal Control Act, being Article ten of Chapter one hundred and fifty-three of the Genreral Statutes of North Carolina.

For county farm demonstration agent.

SEC. 2. The Board of Commissioners of the County of Rutherford is hereby authorized to levy on all taxable property in said county, in addition to all other taxes authorized by law, a special tax, not exceeding three cents on the one hundred dollars of property valuation, for the special purpose of paying the salary of the county farm demonstration agent and the necessary expenses incident to the performance of his work as farm demonstration agent.

For poor, needy, aged and infirm.

SEC. 3. The Board of Commissioners of the County of Rutherford is hereby authorized to levy annually on all taxable property in said county, in addition to all other taxes authorized by law, a special tax, not exceeding twenty cents on the one hundred dollars of property valuation, for the special purpose of providing for the support of the poor and needy persons and operating and maintaining an institution for the aged and infirm.

For forest warden.

SEC. 4. The Board of Commissioners of the County of Rutherford is hereby authorized to levy annually on all taxable property in said county, in addition to all other taxes authorized by law, a special tax, not exceeding one cent on the one hundred dollars of property valuation, for the special pur-

pose of paying expenses of the forest warden in accordance with the provisions of law.

For home demonstration agent.

SEC. 5. The Board of Commissioners of the County of Rutherford is hereby authorized to levy annually on all taxable property in said county, in addition to all other taxes authorized by law, a special tax, not exceeding two cents on the one hundred dollars of property valuation, for the special purpose of paying the salary of the home demonstration agent and the expenses incident to the performance of the duties of said agent.

Constitutionality.

SEC. 6. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws including any Act passed prior to adjournment of the Regular Session of the General Assembly of one thousand nine hundred and forty-five, in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. B. 454 CHAPTER 1095

AN ACT TO AMEND HOUSE BILL NUMBER ONE HUNDRED AND THIRTY ENTITLED "AN ACT TO PROVIDE THAT A PHARMACIST SHALL BE APPOINTED AS A MEMBER OF THE NORTH CAROLINA STATE BOARD OF HEALTH, AMENDING SECTION ONE HUNDRED AND THIRTY-ONE OF THE GENERAL STATUTES," RATIFIED FEBRUARY TWENTY-EIGHTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

The General Assembly of North Carolina do enact:

Amending H. B. 130 of 1945 Session regarding membership of State Board of Health.

SECTION 1. That House Bill Number one hundred and thirty entitled "An Act to provide that a pharmacist shall be appointed as a member of the North Carolina State Board of Health, amending Section one hundred and thirty-one of the General Statutes," ratified February twenty-eighth, one thousand nine hundred and forty-five, be, and the same hereby is, amended by striking from the last line of Section one the following words: and one a food processor or server.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 594 **CHAPTER 1096**

AN ACT TO PROVIDE A STATE-WIDE PROGRAM OF HOSPITAL AND MEDICAL CARE; TO CREATE THE NORTH CAROLINA MEDICAL CARE COMMISSION; TO MAKE CONTINGENT APPROPRIATIONS FOR CONTRIBUTIONS FOR THE CARE OF INDIGENT SICK IN APPROVED HOSPITALS; TO MAKE SURVEYS AND RECOMMENDATIONS FOR THE CONSTRUCTION OF NECESSARY HOSPITALS AND HEALTH CENTERS; TO PROVIDE FOR THE EXPANSION OF THE MEDICAL SCHOOL OF THE UNIVERSITY OF NORTH CAROLINA; TO PROVIDE FOR THE CONSTRUCTION OF A CENTRAL HOSPITAL AS A MEMORIAL TO NORTH CAROLINA DEAD OF WORLD WAR I AND WORLD WAR II; AND OTHER PROVISIONS RELATING THERETO.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and thirty-one of the General Statutes of North Carolina be, and the same hereby is, amended by adding the following articles and sections. Adding Article 12 to Chapter 131 of General Statutes.

Article 12.

SEC. 131-117. North Carolina Medical Care Commission. There is hereby created a State agency to be known as "The North Carolina Medical Care Commission," which shall be composed of twenty members nominated and appointed as follows: Creating North Carolina Medical Care Commission.

Three members shall be nominated by the Medical Society of the State of North Carolina; one member by the North Carolina Hospital Association; one member by the North Carolina Dental Society; one member by the North Carolina Nurses' Association; one member by the North Carolina Pharmaceutical Association, and one member by the Duke Foundation, for appointment by the Governor. Appointment of members of Commission.

Ten members of said Commission shall be appointed by the Governor and selected so as to fairly represent agriculture, industry, labor, and other interests and groups in North Carolina. In appointing the members of said Commission, the Governor shall designate the term for which each member is appointed. Four of said members shall be appointed for a term of one year; four for a term of two years; four for a term of Ten members to be appointed by Governor.

three years; five for a term of four years; and thereafter, all appointments shall be for a ter mof four years. All vacancies shall be filled by the Governor for the unexpired term. The Commissioner of Public Welfare, and the Secretary of the State Board of Health shall be ex officio members of the Commission, without voting power.

Officers of Commission.

The Commission shall elect, with the approval of the Governor, a chairman and a vice chairman. All members, except the Commissioner of Public Welfare, and the Secretary of the State Board of Health shall receive a per diem of seven dollars ($7.00) and necessary travel expenses.

Employment of Executive Secretary.

SEC. 131-118. Commission Authorized to Employ Executive Secretary. The North Carolina Medical Care Commission is authorized and empowered to employ, subject to the approval of the Governor, an executive secretary, and to determine his or her salary under the provisions of the Personnel Act. The executive secretary may employ such additional persons as may be required to carry out the provisions of this Act, subject to approval of the Commission, and the provisions of the Personnel Act. Office space for the Commission shall be provided by the Board of Public Buildings and Grounds, in Raleigh.

Authorizing contribution for indigent patients.

SEC. 131-119. Contribution for Indigent Patients. The North Carolina Medical Care Commission, in accordance with rules and regulations promulgated by it, is hereby authorized and empowered to contribute not exceeding one dollar ($1.00) per day for each indigent patient hospitalized in any hospital approved by it, provided the balance of the cost shall be provided by the county or city having responsibility for the care of such indigent patient, or from other sources. The Commission shall promulgate rules and regulations for determining the indigency of the persons hospitalized and the basis upon which hospitals and health centers shall qualify to receive the benefits of this section.

Appropriations.

For the purpose of carrying out the provisions of this section, there is hereby appropriated from the General Fund to the North Carolina Medical Care Commission for the fiscal year ending June thirtieth, one thousand nine hundred and forty-six, the sum of five hundred thousand dollars ($500,000.00); and for the fiscal year ending June thirtieth, one thousand nine hundred and forty-seven, the sum of five hundred thousand dollars ($500,000.00), provided that the benefits of this section shall apply only to hospitals publicly owned, or owned and operated by charitable, nonprofit, nonstock corporations, and *provided further* that these appropriations provided in this section shall not be available until all provisions of Section twenty-three and one half of the Committee Substitute for House Bill Number eleven, the General Appropriations Bill

of one thousand nine hundred and forty-five, relating to the emergency salary for the public school teachers and State employees shall have been completely and fully provided for.

Construction and enlargement of local hospitals.

SEC. 131-120. Construction and Enlargement of Local Hospitals. The North Carolina Medical Care Commission is hereby authorized and empowered to begin immediate surveys of each county in the State to determine:

(a) The hospital needs of the county or area;

(b) The economic ability of the county or area to support adequate hospital service;

(c) What assistance by the State, if any, is necessary to supplement all other available funds, to finance the construction of new hospitals and health centers, additions to existing hospitals and health centers, and necessary equipment to provide adequate hospital service for the citizens of the county or area; and to report this information, together with its recommendations, to the Governor, who shall transmit this report to the next session of the General Assembly for such legislative action as it may deem necessary to effectuate an adequate State-wide hospital program.

The North Carolina Medical Care Commission is hereby authorized and empowered to act as the agency of the State of North Carolina for the purpose of setting up and administering any State-wide plan for the construction and maintenance of hospitals, public health centers and related facilities, which is now or may be required in order to comply with any Federal law and in order to receive and administer any funds which may be provided by an Act of Congress for such purpose; and the Commission, as such agency of the State of North Carolina with the advice of the State Advisory Council set up as hereinafter provided, shall have the right to promulgate such State-wide plans for the construction and maintenance of hospitals, medical centers and related facilities, or such other plans as may be found desirable and necessary in order to meet the requirements and receive the benefits of any Federal legislation with regard thereto. The said Commission shall be authorized to receive and administer any funds which may be appropriated by any Act of Congress for the construction of hospitals, medical centers and related activities or facilities, which may at any time in the future become available for such purposes; said Commission shall be further authorized to receive and administer any other Federal funds, which may be available, in the furtherance of any activity in which the Commission is authorized and empowered to engage in under the provisions of this Act establishing said Commission, and in connection therewith the Commission is authorized to adopt such rules and

regulations as may be necessary to carry out the intent and purposes of this Act; to adopt such reasonable and necessary standards with reference thereto as may be proper to fully cooperate with the Surgeon General of the United States with the approval of the Federal Advisory Council in the use of funds provided by the Federal government, and at all times make such reports and give such information to the Surgeon General of the United States as may be required.

That the Governor is hereby authorized and empowered to set up and establish a State Advisory Council to the North Carolina Medical Care Commission, to consist of five members, who shall each serve for a term of four years, with the right on the part of the Governor to fill vanacies for unexpired terms, said council to include representatives of non-government organizations or groups, and of State agencies, concerned with the operation, construction, or utilization of hospitals or medical centers, or allied facilities, which Advisory Council, when set up by the Governor, shall advise with the North Carolina Medical Care Commission with respect to carrying out the purposes and provisions of this Act.

That the North Carolina Medical Care Commission and the said State Advisory Council set up by the Governor as herein authorized, shall be fully authorized and empowered to do all such acts and things as may be necessary, to authorize the State of North Carolina to receive the full benefits of any Federal laws which are or may be enacted for the construction and maintenance of hospitals, health centers or allied facilities.

That none of the provisions hereof shall authorize the appropriation of any State funds for the purposes herein set forth except as the same may be specifically provided for in this Act.

Medical Student Loan Fund.

SEC. 131-121. Medical Student Loan Fund. The North Carolina Medical Care Commission is hereby authorized and empowered, in accordance with such rules as it may promulgate, to make loans to students who may wish to become physicians and who are accepted for enrollment in any standard four-year medical school in North Carolina, *provided* such student shall agree, that upon graduation and upon being licensed, to practice medicine in some rural area in North Carolina for at least four years. Rural area, for the purpose of this section, shall mean any town or village having less than two thousand five hundred (2,500) population according to the last decennial census, or area outside and around such towns or villages. Such loans shall bear such rate of interest as may be fixed by the Commission, not to exceed four per cent per annum.

Appropriations.

For the purpose of carrying out the provisions of this section, there is hereby appropriated from the General Fund for the fiscal year ending June thirtieth, one thousand nine hundred and forty-six, to the North Carolina Medical Care Commission the sum of fifty thousand dollars ($50,000.00). The State Treasurer shall set up on his records an account to which shall be deposited said amount, and from which withdrawals shall be made upon vouchers made by the State Auditor upon request of the North Carolina Medical Care Commission. This appropriation shall not lapse at the end of any biennium, but shall remain available for the purposes herein stated.

Expansion of Medical School of University of North Carolina.

SEC. 131-122. Expansion of Medical School of the University of North Carolina. In order to carry forward the Statewide plan of hospital and medical care, the Board of Trustees of the University of North Carolina, by and with the approval of the Governor and the North Carolina Medical Care Commission is hereby authorized and empowered to expand the two-year Medical School of the University of North Carolina into a standard four-year medical school. The North Carolina Medical Care Commission is authorized and directed to make a complete survey of all factors involved in determining the location of the expanded medical school, giving especial attention to the advantages and disadvantages of locating said school in one of the large cities of the State, and shall render a report of their findings to the Governor and Board of Trustees of the University of North Carolina.

Provided that no action shall be taken under this provision of this section, other than the work of the Commission, until a survey has been made and a report submitted to the Governor and Medical Care Commission by the Rockefeller Foundation or some other accredited agency with experience in the field of surveying large areas in connection with medical education and medical care. The report of such agency is to be submitted to the Governor and the Medical Care Commission in a reasonable time in advance of the report of the Governor and the Commission to the Board of Trustees.

Appropriations.

SEC. 131-123. Appropriations for Expenses of the North Carolina Medical Care Commission. In order to provide funds for the expenses of the North Carolina Medical Care, Commission, there is hereby appropriated from the General Fund for the fiscal year ending June thirtieth, one thousand nine hundred and forty-six, the sum of fifty thousand dollars ($50,000.00) and for the fiscal year ending June thirtieth, one thousand nine hundred and forty-seven, the sum of fifty thousand dollars ($50,000.00).

Medical training for negroes.

SEC. 131-124. Medical Training for Negroes. The North Carolina Medical Care Commission shall make careful investigation of the methods for providing necessary medical training for Negro students, and shall report its findings to the next session of the General Assembly. In addition to the benefits provided by Section one hundred and sixteen - one hundred and ten of the General Statutes of North Carolina, the North Carolina Medical Care Commission is hereby authorized to make loans to Negro medical students from the fund provided in Section one hundred and thirty-one—one hundred and twenty-one, subject to such rules, regulations, and conditions as the Commission may prescribe.

Acceptance of gifts.

SEC. 131-125. Acceptance of Gifts, Grants and Donations. The North Carolina Medical Care Commission is hereby authorized and empowered to accept and administer gifts, grants, or donations which may be made by the Federal government or by any person, firm, or corporation for the purpose of carrying out the objects of this Act, provided the acceptance of such gifts, grants, or donations shall be made without requiring the surrender of authority or control in the administration thereof by the North Carolina Medical Care Commission.

Hospital Care Associations.

SEC. 131-126. Hospital Care Association. The North Carolina Medical Care Commission is hereby authorized to encourage the development of group insurance plans, the Blue Cross Plan, and other plans which provide for insurance for the public against the costs of disease and illness.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. ..This Act shall be in full force and effect on and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 816 CHAPTER 1097

AN ACT CREATING A STATE PORTS AUTHORITY, TO DEFINE AND PROVIDE ITS PURPOSES, JURISDICTION, AND DUTIES, AND TO AUTHORIZE IT TO ISSUE SELF-LIQUIDATING REVENUE BONDS TO FINANCE THE ACQUISITION, CONSTRUCTION, EQUIPMENT, MAINTENANCE AND OPERATION OF ITS FACILITIES, AND FURTHER TO PROVIDE THAT THE STATE OF NORTH CAROLINA MAY, UNDER THE TERMS AND CONDITIONS SET OUT HEREIN, INVEST ITS SURPLUS FUNDS IN THE BONDS OF SUCH AUTHORITY.

The General Assembly of North Carolina do enact:

Creating North Carolina State Ports Authority.

SECTION 1. The North Carolina State Ports Authority is hereby created, consisting of and governed by a board of seven members, said North Carolina State Ports Authority being hereinafter for convenience styled the Authority. At least one member of said Authority shall be a qualified elector, residing in Carteret County, at least one shall be a qualified elector residing in New Hanover County and one a qualified elector residing in Brunswick County, the other four members of said board shall be qualified electors in counties other than Carteret, New Hanover and Brunswick Counties. The members of the board shall be appointed by the Governor. The first members appointed to said board from Carteret, New Hanover and Brunswick Counties shall be appointed for a term of six years and until their successors are appointed and qualified. Of the remaining four members, initially appointed, two shall be appointed for three years, and two for four years, and until their successors shall have been appointed and qualified. Upon the termination of the term of office of each member their successors shall be appointed for a term of six years and until their successors shall have been appointed and qualified. In the event of a vacancy, however caused, the successor shall be appointed by the Governor for the unexpired term. The board shall elect one of their number as chairman, one as vice chairman and shall also elect a secretary and a treasurer who may not necessarily be a member of the Authority. The board shall meet upon the call of its chairman and a majority of its members shall constitute a quorum for the transaction of its business. The members of the Authority shall not be entitled to compensation for their services but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

Membership.

Aims and powers.

SEC. 2. Through the Authority hereinabove created, the State of North Carolina may engage in promoting, developing, constructing, equipping, maintaining and operating the harbors and

seaports within the State, or within the jurisdiction of the State, and works of internal improvements incident thereto, including the acquisition or construction, maintenance and operation at such seaports or harbors of watercraft, terminal railroad and facilities and highways and bridges thereon or essential for the proper operation thereof. Said Authority is created as an instrumentality of the State of North Carolina for the accomplishment of the following general purposes:

Improvement of harbors.

A. To develop and improve the harbors or seaports at Wilmington, Morehead City and Southport, North Carolina, and such other places as they may deem feasible for the more expeditious and efficient handling of waterborne commerce from and to any part of the State of North Carolina and other states and foreign countries.

Develop port facilities.

B. To acquire, construct, equip, maintain, develop and improve the port facilities at said ports and to improve such portions of the waterways thereat as are not within the jurisdiction of the Federal government.

Stimulation of trade.

C. To foster and stimulate the shipment of freight and commerce through said ports, whether originating within or without the State of North Carolina, including the investigation and handling of matters pertaining to all transportation rates and rate structures affecting the same.

Cooperation with Federal Government.

D. To cooperate with the United States of America and any agency, department, corporation or instrumentality thereof in the maintenance, development, improvement and use of said harbors and seaports in connection with and in furtherance of the war operations and needs of the United States.

Cooperation with cities and counties.

E. To accept funds from any of said counties or cities wherein said ports are located and to use the same in such manner, within the purposes of said Authority, as shall be stipulated by the said county or city, and to act as agent or instrumentality, of any of said counties or cities in any matter coming within the general purposes of said Authority.

Federal agency.

F. To act as agent for the United States of America or any agency, department, corporation or instrumentality thereof, in any matter coming within the purposes or powers of the Authority.

General.

G. And in general to do and perform any act or function which may tend to or be useful toward the development and improvement of the said harbors and seaports of the State of North Carolina, and to increase the movement of water-borne commerce, foreign and domestic, through said harbors and seaports.

The enumeration of the above purposes shall not limit or circumscribe the broad objective of developing to the utmost the port possibilitites of the State of North Carolina.

Powers.

SEC. 3. In order to enable it to carry out the purposes of this Act, the said Authority shall:

Corporate powers.

A. Have the powers of a body corporate, including the power to sue and be sued, to make contracts, and to adopt and use a common seal and to alter the same as may be deemed expedient.

Acquire and dispose of property.

B. Be authorized and empowered to rent, lease, buy, own, acquire, mortgage, otherwise encumber, and dispose of such property, real or personal, as said Authority may deem proper to carry out the purposes and provisions of this Act, all or any of them.

Construction of facilities.

C. Be authorized and empowered to acquire, construct, maintain, equip and operate any wharves, docks, piers, quays, elevators, compresses, refrigeration storage plants, warehouses and other structures, and any and all facilities needful for the convenient use of the same in the aid of commerce, including the dredging of approaches thereto, and the construction of belt line roads and highways and bridges and causeways thereon, and other bridges and causeways necessary or useful in connection therewith, and shipyards, shipping facilities, and transportation facilities incident thereto and useful or convenient for the use thereof, including terminal railroads.

Fire and hire help.

D. Appoint and employ and dismiss at pleasure, such employees as may be selected by the Authority Board, and to fix and pay the compensation thereof.

Maintenance of office.

E. Establish an office for the transaction of its business at such place or places as, in the opinion of the Authority, shall be advisable or necessary in carrying out the purposes of this Act.

Agencies and departments.

F. Be authorized and empowered to create and operate such agencies and departments as said board may deem necessary or useful for the furtherance of any of the purposes of this Act.

Payment of expenses.

G. Be authorized and empowered to pay all necessary costs and expenses involved in and incident to the formation and organization of said Authority, and incident to the administration and operation thereof, and to pay all other costs and expenses reasonably necessary or expedient in carrying out and accomplishing the purposes of this Act.

Loans.

H. Be authorized and empowered to apply for and accept loans and grants of money from any Federal agency or the State

of North Carolina or any political subdivision thereof for any and all of the purposes authorized in this Act, and to expend the same in accordance with the directions and requirements attached thereto, or imposed thereon by any such Federal agency, the State of North Carolina, or any political subdivision thereof, and to give such evidences of indebtedness as shall be required by any such Federal agency, *provided, however,* that no indebtedness of any kind incurred or created by the Authority shall constitute an indebtedness of the State of North Carolina, or any political subdivisions thereof, and no such indebtedness shall involve or be secured by the faith, credit or taxing power of the State of North Carolina, or any political subdivision thereof.

Federal agency.

I. Be authorized and empowered to act as agent for the United States of America, or any agency, department, corporation, or instrumentality thereof, in any matter coming within the purposes or powers of the authority.

Bylaws and regulations.

J. Have power to adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, and may provide for the appointment of such committees, and the functions thereof, as the Authority may deem necessary or expedient in facilitating its business.

General.

K. Be authorized and empowered to do any and all other acts and things in this Act authorized or required to be done, whether or not included in the general powers in this section mentioned; and

L. Be authorized and empowered to do any and all things necessary to accomplish the purposes of this Act: *Provided,* that said Authority shall not engage in shipbuilding.

The property of the Authority shall not be subject to any taxes or assessments thereon.

Issuance of bonds.

SEC. 4. As a means of raising the funds needed from time to time in the acquisition, construction, equipment, maintenance and operation of any facility, building, structure, terminal railroad or any other matter or thing which the Authority is herein authorized to acquire, construct, equip, maintain, or operate, all or any of them, the said Authority is hereby authorized at one time or from time to time to issue negotiable revenue bonds of the Authority. The principal and interest of such revenue bonds shall be payable solely from the revenues to be derived from the operation of all or any part of its properties and facilities.

Security for bonds.

(a) A pledge of the net revenues derived from the operation of said properties and facilities, all or any of them, shall be made to secure the payment of said bonds as and when they mature.

(b) Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the faith and credit of the State. The issuance of such revenue bonds shall not directly or indirectly or contingently obligate the State to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment. Bonds not to be obligations of State.

(c) Such bonds and the income thereof shall be exempt from all taxation within the State.

SEC. 5. For the acquiring of rights of way and property necessary for the construction of terminal railroads and structures, including railroad crossings, airports, seaplane bases, naval bases, wharves, piers, ships, docks, quays, elevators, compresses, refrigerator storage plants, warehouses and other riparian and littoral terminals and structures and approaches thereto and transportation facilities needful for the convenient use of same, and belt line roads and highways and causeways and bridges and other bridges and causeways, the Authority shall have the right and power to acquire the same by purchase, by negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, condemnation proceedings shall be maintained by and in the name of the Authority, and it may proceed in the manner provided by the General Laws of the State of North Carolina for the procedure by any county, municipality or Authority organized under the laws of this State, or by the North Carolina State Highway Department, or by railroad corporations, or in any other manner provided by law, as the Authority may, in its discretion, elect. The power of eminent domain shall not apply to property of persons, State agency or corporations already devoted to public use. Power of eminent domain.

SEC. 6. The Authority may exchange any property or properties acquired under the Authority of this chapter for other property, or properties usable in carrying out the powers hereby conferred, and also may remove from lands needed for its purposes and reconstruct on other locations, buildings, terminals, railroads, or other structures, upon the payment of just compensation, if in its judgment, it is necessary or expedient so to do in order to carry out any of its plans for port development, under the authorization of this Act. Handling property.

SEC. 7. The Authority Board is authorized to assign, transfer, lease, convey, grant or donate to the United States of America, or to the appropriate agency or department thereof, any or all of the property of the Authority, for any use by such grantee for any purpose included within the general purposes of this Act, as stated in Section two, such assignment, transfer, lease, conveyance, grant or donation to be upon such terms as the Authority Board may deem advisable. In the event the United States of Dealing with Federal Agencies.

America should decide to undertake the acquisition, construction, equipment, maintenance or operation of the airports, seaplane bases, naval bases, wharves, piers, ships, refrigerator storage plants, warehouses, elevators, compresses, docks, shipyards, shipping and tranportation facilities before referred to, including terminal railroads, roads, highways, causeways, or bridges and should itself decide to acquire the lands and properties necessarily needed in connection therewith by condemnation or otherwise, the Authority Board is further authorized to transfer and pay over to the United States of America or to the appropriate agency or department thereof, such of the moneys belonging to the Authority Board as may be found needed or reasonably required by said United States of America to meet and pay the amount of judgments or condemnation, including costs, if any be taxed thereon, as may from time to time be rendered against the United States of America, or its appropriate agency, or as may be reasonably necessary to permit and allow said United States of America, or its appropriate agency, to acquire and become possessed of such lands and properties as are reasonably required for the construction and use of said facilities before referred to.

Terminal roads.

SEC. 8. The Authority shall have the power and authority to acquire, own, lease, locate, install, construct, equip, hold, maintain, control and operate at harbors and seaports a line of terminal railroads with necessary sidings, turn outs, spurs, branches, switches, yard tracks, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliances necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances. And the Authority shall have the right and authority to make agreements as to scale of wages, seniority, and working conditions with locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for in this section, and the service and equipment pertinent thereto. And should the said department exercise the authority herein given, then in such event it shall be the duty of the said department to make such agreements with said employees hereinabove specified, in accordance with the Act of Congress known as the Railway Labor Act (U. S. C. Title 45, Sections 151-163) as amended or as hereafter amended to the end that the same agreements as to seniority and working conditions will obtain as to said employees and the standard rate of pay be provided, as are in force relative to like employees of interstate railroads operating in the same territory with terminal railroads authorized hereby. The Authority shall have the right and authority with its terminal railroads to connect with or cross any other railroad upon payment of just com-

pensation and to receive, deliver to and transport the freight, passengers, and cars of common carrier railroads as though it were an ordinary common carrier.

Jurisdiction of the Authority.

SEC. 9. The jurisdiction of the Authority in any of said harbors or seaports within the State shall extend over the waters and shores of such harbors or seaports and over that part of all tributary streams flowing into such harbors or seaports in which the tide ebbs and flows, and shall extend to the outer edge of the outer bar at such harbors or seaports.

Treasurer of the Authority.

SEC. 10. The Authority shall select one of its members to serve as its treasurer. The Authority shall require a surety bond of such appointee in such amount as the Authority may fix, and the premium or premiums thereon shall be paid by said Authority as a necessary expense of said Authority.

Bank deposits and accounts.

SEC. 11. All Authority funds shall be deposited in a bank or banks to be designated by the Authority. Funds of the Authority shall be paid out only upon warrants signed by the treasurer of the Authority and countersigned by the chairman or the acting chairman. No warrants shall be drawn or issued disbursing any of the funds of the Authority except for a purpose authorized by this Act and only when the account or expenditure for which the same is to be given in payment has been audited and approved by the Authority. Any and all net revenues or earnings not necessary or desirable for the operation of its business shall be held subject to the further action of the General Assembly.

Publish reports in newspapers.

SEC. 12. At least once in each year the Authority shall publish once in some newspaper published in Wake County, North Carolina, a complete detailed statement of all moneys received and disbursed by the Authority during the preceding year. Such statement shall also show the several sources from which funds were received, and the balance on hand at the time of publishing the statement, and shall show the complete financial condition of the Authority.

Liberal construction.

SEC. 13. It is intended that the provisions of the Act shall be liberally construed to accomplish the purposes provided for, or intended to be provided for, herein, and where strict construction would result in the defeat of the accomplishment of any of the acts authorized herein, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen.

Constitutionality.

SEC. 14. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions.

SEC. 15. This Act shall take effect upon its ratification.

Ratified this the 21st day of March, 1945.

H. B. 914 CHAPTER 1098

AN ACT TO INCORPORATE THE RED SPRINGS AIRPORT COMMISSION.

The General Assembly of North Carolina do enact:

Creating Red Springs Airport Commission.

SECTION 1. That there is hereby created the Red Springs Airport Commission which shall be a body corporate and politic having the powers and jurisdiction hereinafter enumerated and such other and additional powers as may from time to time be conferred upon said commission by further acts of the General Assembly.

Membership and appointment.

SEC. 2. The airport commission shall consist of three members, one of whom shall be a member of the governing body of the Town of Red Springs, one shall be a citizen and resident of the Town of Red Springs, and the other shall be a resident of the County of Robeson and shall reside outside the corporate limits of the Town of Red Springs. All members shall be appointed by the Mayor and the governing board of the Town of Red Springs. The members shall be appointed to serve for a period of two years. Each of the members and their successors shall take and subscribe an oath before the Clerk of the Town of Red Springs to faithfully discharge their duties.

May adopt by-laws.

SEC. 3. The members shall, for the purpose of doing business, constitute a board of directors, which may adopt suitable bylaws for its management. The members of the commission shall receive no compensation per diem or otherwise, but shall be allowed and paid their actual traveling expenses incurred in transacting the business and at the instance of the said airport commission.

Members to receive expenses but no salary.

Powers and authority.

SEC. 4. The said commission shall constitute a body, both corporate and politic, and shall have the following powers and authority;

To purchase, construct and operate Red Springs Airport.

(1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate the Red Springs Airport; and for any of such purposes, to own, hold, lease and/or operate real or personal property; to borrow money and to issue bonds and to secure the same by mortgages, with the consent of the governing board of the Town of Red Springs upon any property held or to be held by it.

To contract, sue and be sued.

(2) To sue or be sued in the name of said airport commission to acquire by purchase and to hold lands for the purpose of constructing, maintaining or operating said airport and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the said airport commission.

(3) To charge and collect reasonable and adequate fees and rents for the use of the airport property or for services rendered in the operation thereof. Collect fees.

(4) To make all reasonable rules and regulations as it deems necessary for the proper maintenance and operation of the said airport and provide penalties for the violation of such rules and regulations; *provided* said rules and regulations and schedules of fees be not in conflict with the laws of the State of North Carolina, and the rules and regulations of the Civil Aeronautics Administration of the Federal Government. Regulations.

(5) To issue bonds or other securities and obligations for the purpose of providing funds for such construction, maintenance and operation of the said airport facilities. The said bonds, if and when so issued, shall be denominated "Red Springs Airport Commission Bonds," and shall be issued in such form and denomination and shall mature at such time or times, not exceeding fifty years after their date, and shall bear such rate of interest, not exceeding six per cent (6%) per annum, payable annually or semiannually, as the said airport commission may determine. Issue bonds.

Bonds and notes issued under this Act shall be exempt from all State, Federal, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on such bonds or notes shall not be subject to taxation as income. The said bonds, notes or other security shall not be obligations of the Town of Red Springs, but the said airport commission is authorized and empowered to pledge the revenue, rents, income and tolls arising out of the use of any airport property or any specific part of said property until such time as the sums borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said airport commission may incur shall be issued and incurred upon such other terms and conditions as the said airport commission may deem proper. Not obligations of Red Springs.

SEC. 5. Any lands acquired, owned, controlled or occupied by the said airport commission shall, and are hereby declared to be acquired, owned, controlled and occupied for a public purpose. Public purpose.

SEC. 6. Private property needed by said airport commission for any airport or landing field may be acquired by gift or devise, or may be acquired by purchase. Acquisition of property.

SEC. 7. The said airport commission shall make an annual report to the Town of Red Springs setting forth in detail the operations and transactions conducted by it pursuant to this Act. The said airport commission shall be regarded as the corporate instrumentality and agent for the Town of Red Springs, for the purpose of developing airport facilities in the County of Robeson, Annual reports.

but it shall have no power to pledge the credit of the Town of Red Springs, or any subdivision thereof, or to impose any obligation upon the Town of Red Springs or any subdivision thereof, except and when such power is expressly granted by statute or the consent of the Town of Red Springs.

General powers.

SEC. 8. All rights and powers given to the counties or municipalities by the Statutes of North Carolina, which may now be in effect or be enacted in the future relating to the development, regulation and control of municipal airports and the regulations of aircraft, are hereby vested in the said airport commission, and the Town of Red Springs may delegate its powers under the said act to the commission and the commission shall have concurrent right with the Town of Red Springs to control, regulate and provide for the development of aviation in the Town of Red Springs.

Employment of personnel.

SEC. 9. The said airport commission is hereby authorized to employ such agents, engineers and attorneys and other persons whose services may be deemed by the airport commission to be necessary or useful in carrying out the provisions of this Act. Members of the said airport commission shall not be personally liable, in any manner, for their acts as members of the airport commission, except for misfeasance or malfeasance.

Bonds.

SEC. 10. Any bonds issued under this Act shall be subject to the provisions of the Local Government Acts, the same being Chapter one hundred fifty-nine of the General Statutes.

Constitutionality.

SEC. 11. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 12. This Act shall take effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 919 CHAPTER 1099

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Appointment of justices of peace.

SECTION 1. That the following named persons be, and they are hereby appointed justices of the peace for their respective townships and counties in North Carolina, for a term of two years; said terms to begin on the first day of April, one thousand

nine hundred and forty-five: *Provided,* that they may qualify at any time within ninety days after the first day of April, one thousand nine hundred and forty-five.

ALAMANCE COUNTY

Alamance.

Burlington Township—W. H. May, Jr., Dave Harmon, Joseph Freeland, Lee A. Lutterloh, J. L. Oliver.
Newlins Township—John G. Clark, W. Lawrence McPherson.
Morton Township—John W. Garrison.
Graham Township—Charles N. Jones, James M. Buckner.
Patterson Township—Charles Moser.
Cobles Township—Paul Stevens.

ALLEGHANY COUNTY

Alleghany.

Cherry Lane Township—Paul Smith.
Glade Creek Township—Rance Hendrix, Hassel Rector.
Piney Creek Township—John R. Halsey, Ray H. Hash.

ASHE COUNTY

Ashe.

Chestnut Hill Township—W. H. McMillan.
Clifton Township—Paul Jones.
Elk Township—James Houck.
Grassy Creek Township—W. P. Colvard.
Helton Township—Bryan Kirby.
Horse Creek Township—E. W. Stansberry.
Jefferson Township—Emmett Stanley.
Obids Township—D. C. Miller.
Old Fields Township—D. V. Waugh.
Peak Creek Township—R. L. Austin.
Piney Creek Township—Howard Belvins.
Walnut Hill Township—L. W. Baker.
West Jefferson Township—D. N. Pless.

AVERY COUNTY

Avery.

Cranberry Township—W. B. Teaster, A. P. Brinkley.
Roaring Creek Township—Charles Watson, J. G. Hughes.
Linville Township—A. W. Ray, Lloyd W. Sudreth.

BEAUFORT COUNTY

Beaufort.

Pantego Township—J. H. Purvis.
Bath Township—C. E. Venters.
Washington Township—James S. Brooks.

BERTIE COUNTY

Bertie.

Indian Woods Township—Frank Harden.
Snakebite Township—L. T. Bazemore.
Windsor Township—W. S. Pritchard.
Woodville Township—John Bryan.

BLADEN COUNTY

Bladen.

Colly Township—E. E. Cain.
Abbottsburg Township—W. G. Smith.
Bladenboro Township—J. P. Hester.
Whites Creek Township—N. G. Daniel.

BUNCOMBE COUNTY

Buncombe.

Flat Creek Township—Kenneth G. Roberts.
Asheville Township—Joyce D. Moore, W. H. Pearson.

BURKE COUNTY

Burke.

Drexel Township—Julius L. Page, L. B. Bollinger.
Icard Township—D. A. Hutto, J. D. Knox.
Upper Fork Township—W. A. Cook.
Lower Fork Township—W. C. Hoyle, J. R. Chapman.
Lovelady Township—Arthur Talmadge Abernethy, O. D. Keever, Henry Bartolot.
Morganton Township—A. P. Causby, J. H. Buckley, T. Earl Franklin, Chas. M. Walton, E. W. Halliburton.
Quaker Meadows Township—C. P. Whisnant.
Silver Creek Township—E. A. Pruitt, W. J. Gurley, Mrs. Mae Propst Lane, B. L. Morrison, Grover C. Butler, M. N. Hennessee.
Linville Township—John Curtis.
Smoky Creek Township—Lawrence Smith.
Upper Creek Township—Eugene Perry.
Lower Creek Township—W. S. Hallibuton.
Jonas Ridge Township—W. M. Shuffler, Asor Barrier, Leonard Barrier.

CAMDEN COUNTY

Camden.

Courthouse Township—R. L. Whaley, S. B. Seymour.
Shiloh Township—W. B. Harrison.

CARTERET COUNTY

Carteret.

Straits Township—Richard Leffers.

CASWELL COUNTY

Caswell.

Yanceyville Township—Geo. A. Anderson, C. V. McKinney, J. C. Womack, J. A. Murray.
Stoney Creek Township—J. B. Turner.
Milton Township—Arch Thomas, Ralph Vernon, Jay Foote.
Prospect Hill Township—Herbert V. Clayton.
Leasburg Township—W. P. Cook.
Locust Hill Township—O. Lee Cobb, W. Herbert White.
Hightows Township—Joe H. Warren.
Pelham Township—Keister Jones.
Dan River Township—Robert L. Harrison.

CATAWBA COUNTY

Hickory Township—R. M. Taylor. Catawba.

CHATHAM COUNTY

Gulf Township—A. K. Miller, Jr. Chatham.

CHEROKEE COUNTY

Beaverdam Township—Glen Crowe, George Crawford. Cherokee.
Hothouse Tomnship—T. T. Johnston, C. C. Foster, L. W. Shields.
Murphy Tomnship—G. F. Hendrix, John S. Keener, G. A. Hembree, F. O. Bates, J. W. McRae, J. W. O'Dell, John E. Posey, A. L. Martin, B. H. Hogan, W. N. Crisp, George Rogers, D. M. Reece.
Notla Township—J. M. Kilpatrick, O. C. Shields, J. Alden Cook, O. G. Anderson, Tom King.
Shoal Creek Township—W. F. Hill, Clay Allen, Lon Raper.
Valleytown Township—J. R. Leach, J. H. Bryson, P. M. Regan, H. W. Conley, B. P. Grant.

CHOWAN COUNTY

First Township—W. S. Summerell. Chowan.

CLAY COUNTY

Hayesville Township—J. W. Winchester, Homer Auberry, B. H. Martin. Clay.
Hiawassee Township—M. B. Cabe.
Brasstown Township—John Brendle.
Shooting Creek Township—Robert McClure.
Sweet Water Township—S. W. Lovin, Floyd Ledford.
Tusquitte Township—C. W. Evans.

COLUMBUS COUNTY

Chadbourn Township—Isaac C. Duncon. Columbus.

CURRITUCK COUNTY

Poplar-Branch Township—Graham Woodhouse. Currituck.
Crawford Township—G. W. Meiggs, J. P. Morgan, W. C. Stewart.
Moyock Township—Luther Coppersmith.
Fruitville Township—O. H. Bonney.

DARE COUNTY

Kinnakeet Township—U. J. O'Neal. Dare.

DAVIE COUNTY

North Callahan Township—W. M. Seaford. Davie.
Callahan Township—N. B. Dyson.

Farmington Township—J. N. Beachamp, Efird Lee, G. W. Johnson, L. F. Brock.
Fulton Township—A. E. Hendrix.
Jerusalem Township—C. B. James.

DUPLIN COUNTY

Duplin. Albertson Township—M. B. Holt.

DURHAM COUNTY

Durham. Durham Township—Z. A. Rochelle, E. H. Chappell, Joseph M. Stancil.

EDGECOMBE COUNTY

Edgecombe. Number One Township—Lewis Heilbroner.

FORSYTH COUNTY

Forsyth. Winston Township—A. Shapiro.

FRANKLIN COUNTY

Franklin. Sandy Creek Township—George Foster.

GASTON COUNTY

Gaston. Riverbend Township—Harvey W. Davenport.
Cherryville Township—George V. Lohr, W. C. Howell.
South Point Township—J. L. Brittain, A. M. Suggs.
Dallas Township—M. E. Rhyne, Charles B. Elliott.

GATES COUNTY

Gates. Hall Township—C. E. Sawyer, R. C. Cooper.
Mintonsville Township—P. D. Hobbs.
Huntres Mill Township—J. W. Overman, S. E. Baines.
Gatesville Township—J. A. Eason.
Holly Grove Township—S. E. Riddick, L. E. McCoy.
Renoldson Township—H. L. Langston.
Hayslett Township—C. A. Mathews.

GRAHAM COUNTY

Graham. Yellow Creek Township—R. O. Sherrill.

GRANVILLE COUNTY

Granville. Salem Township—H. L. O'Brien.
Oxford Township—C. R. Gordon.

GREENE COUNTY

Greene. Bull Head Township—C. C. Eason.

HALIFAX COUNTY

Halifax.

Brinkleyville Township—Tracy Qualls.
Palmyra Township—R. H. White.
Roanoke Rapids Township—W. O. Thompson.
Conocanara Township—L. A. Parks.
Halifax Township—J. G. Butts.
Faucetts Township—M. P. Crawley.

HARNETT COUNTY

Harnett.

Aversboro Township—George F. Owen.
Upper Little River Township—J. S. McLean.
Black River Township—C. E. Denning.
Barbecue Township—D. B. Holder.
Johnsonville Township—E. J. Gilchrist, Lexie R. Smith.
Hector Creek Township—W. M. Pearson.
Grove Township—Joseph M. Johnson.
Neills Creek Township—N. I. Reardon, Lloyd G. Johnson.

HAYWOOD COUNTY

Haywood.

Beaverdam Township—S. H. Justice, James W. McAbee, R. R. Mease, W. W. Pless.
Cataloochee Township—Mack Caldwell.
Cecil Township—W. F. Hipps.
Clyde Township—Manson Cagle, Jr., E. F. Haynes, Horace Sentelle, N. C. West.
Crabtree Township—W. L. Bradshaw, F. A. Justice.
East Fork Township—K. L. Burnett, Rex Pless, J. A. Poston.
Fines Creek Township—John Fincher, Charles B. McCracken, Charles Rathbone, Homer Trantham.
Ivy Hill Township—W. A. Green.
Ironduff Township—J. B. Bradshaw.
Jonathan Creek Township—John Howell, R. W. Howell.
Pigeon Township—George Stamey, Frank Wells.
Waynesville Township—H. P. Ledbetter, W. C. Medford, W. H. Noland.
White Oak Township—Lawson Teague.

HENDERSON COUNTY

Henderson.

Hendersonville Township—Sidney E. Powers.

HOKE COUNTY

Hoke.

Raeford Township—W. R. Barrington.

HYDE COUNTY

Hyde.

Swan Quarter Township—Archie Baum (for two years), W. J. Lupton (for two years), E. A. Williams (for two years),

William Cochran (for two years).

Lake Landing Township—J. T. Midgette (for two years), Cecil McKinney (for two years), Roy Cox (for two years).

Sladesville Township—Dallas Daniels (for two years).

Ocracoke Township—Ike (Big Ike) O'Neal (for two years).

IREDELL COUNTY

Iredell.

Davidson Township—J. R. Pope.
Concord Township—G. G. Feimster.
Turnersburg Township—A. M. Gaither.
New Hope Township—G. W. Harris, H. A. Hope.
Chambersburg Township—B. C. Howard.
Bethany Township—J. P. Ingram.
Olin Township—S. R. Jurney.
Sharpesburg Township—Henry Martin, W. B. McLelland.
Cool Springs Township—R. H. Page.
Union Grove Township—H. P. Van Hoy.
Eagle Mills Township—T. G. Wallace.
Fallstown Township—G. M. Young.

JOHNSTON COUNTY

Johnston.

Clayton Township—Luther T. Rose.
Ingrams Township—H. H. Barber.
Pleasant Grove Township—G. Willie Lee, R. F. Coates.
Meadow Township—J. V. Marshburn.
Wilders Township—A. W. Hocutt, Coy Blinson.

LEE COUNTY

Lee.

West Sanford Township—K. L. Baldwin.

LENOIR COUNTY

Lenoir.

Institute Township—J. Paul Hill.

Moseley Hall Township—J. Earl Measley, R. L. Williams, George Frederick Fields.

LINCOLN COUNTY

Lincoln.

Lincolnton Township—M. L. Huggins.

MADISON COUNTY

Madison.

Number One Township—Robert Teague.
Number Two Township—J. R. Leake.
Number Three Township—Woodson Ray (for two years).

Number Four Township—Arthur Duck, W. M. Metcalf (for two years).

Number Five Township—Neely Willis (for two years).
Number Seven Township—B. G. Ledford.
Number Nine Township—C. A. Mitchell.
Number Ten Township—Dewey G. Wallin.

Number Eleven Township—Alvin Hill, Fred Edmonds (for two years), Hirchel Porschia (for two years).
Number Thirteen Township—Grady Balding.
Number Fourteen Township—Adolph Pesk.
Number Fifteen Township—Grant Higgins, Sam J. Peek (for two years), E. W. Reese (for two years).
Number Sixteen Township—G. W. Peek (for two years).

MACON COUNTY

Sugar Fork Township—W. A. Keener. **Macon.**

MARTIN COUNTY

Goosenest Township—J. B. Whitfield. **Martin.**
Williamston Township—J. L. Hassell.

McDOWELL COUNTY

Marion Township—J. L. Nichols. **McDowell.**
Old Fort Township—Jim Harmon.

MECKLENBURG COUNTY

Charlotte Township—C. B. Atkins, W. B. Warwick. **Mecklenburg.**
Pineville Township—S. A. Satterfield.

MITCHELL COUNTY

Grassey Creek Township—W. M. McNeil, Clifton Gibbs. **Mitchell.**
Snow Creek Township—D. T. Fortner.
Harrell Township—James Bennett, Jeter Fry.
Bradshaw Township—Burnie Edwards.
Popular Township—Briscoe Peterson, Dr. S. J. Cooper.
Red Hill Township—J. B. Masters, Sr.
Cone Creek Township—Lon Pitman.
Little Rock Creek Township—J. A. Gouge.
Fork Mountain Township—Warfield Gouge.

NEW HANOVER COUNTY

Wilmington Township—W. F. Carpenter, W. W. Harriss. **New Hanover.**

NORTHAMPTON COUNTY

Pleasant Hill Township—J. W. Medlin. **Northampton.**
Gaston Township—C. A. Brewer.
Kirby Township—Otis Ricks, Jake Lassiter.
Rich Square Township—Ralph H. Thompson, W. F. Nelson, S. Floyd Outland, R. B. Benthall.
Seaboard Township—Z. L. Davenport, P. A. Bullock, S. V. Edwards.
Jackson Township—J. J. Buffaloe, L. T. Warrick.

ONSLOW COUNTY

Onslow.

Stump Sound Township—Horace Grant, E. T. Saunders.
Swansboro Township—H. V. Matthews, F. B. Pittman.
White Oak Township—J. E. Freeman.

PAMLICO COUNTY

Pamlico.

Number Two Township—W. W. Daniels.

PENDER COUNTY

Pender.

Burgaw Township—Hugh Overstreet, Sr., O. G. Ferrell.
Holly Township—Charlie E. Smith, I. Q. Hollingsworth, J. A. Lanier.
Union Township—J. D. Johnson.
Grady Township— A. E. Curle, Jr.
Columbia Township—C. G McIntire.
Long Creek Township—A. D. Scott.
Caswell Township—E. G. Bostic, Otto Wells.

PERSON COUNTY

Person.

Holloway Township—S. W. Melton.
Mt. Tirzah Township—R. P. Moore.
Flat River Township—J. O. Pearce.
Olive Hill Township—C. E. Winstead, Jr.
Roxboro Township—R. H. Shelton, W. W. Woods.

PITT COUNTY

Pitt.

Carolina Township—Gordon W. Roebuck.

POLK COUNTY

Polk.

Saluda Township—G. W. Pearson.
Tryon Township—John W. Walker, W. A. Wilson, G. B. McKaig.
Columbus Township—James Durham.
White Oak Township—Hix Price, Zeb Price, Mrs. Esper Carswell.
Coopers Gap Township—H. D. Jackson, Grover Greene.

RANDOLPH COUNTY

Randolph.

Franklinville Township—W. A. Martin, E. A. Routh, Mrs. Bernice Jones, L. Q. Yow.
Trinity Township—Richard W. Brown, L. B. Frazier, W. M. Allredge.
Tabernacle Township—C. M. Nance.
Union Township—S. A. Cox.
Asheboro Township—J. P. Hooper, Odell Cranford, R. A. Gaddis, E. V. Hobbs, W. C. Hammond, E. H. Morris.
Back Creek Township—Bryon Redding.

Randleman Township—John Fox.
Columbia Township—Herbert Staley, A. M. Staley.
Concord Township—R. W. Fuller, John Yates.
New Hope Township—Earl Shaw, Dyle Cranford, W. P. Lassiter.
Providence Township—James F. Pugh, H. C. Gregson.
Brower Township—Clay Sugg, Herbert R. Cox.
Liberty Township—Probert Collier.
Richland Township—William E. Williams, Mrs. Mary Stuart.
Coleridge Township—Lynn Albright.
Tabernacle Township—C. M. Nance.

RICHMOND COUNTY

Wolf Pit Township—M. J. Pate. Richmond.
Rockingham Township—Carl McLean, W. T. Mullis.

ROBENSON COUNTY

Britts Township—George Thompson, Thad Stone, Mrs. Kelly Fountain. Robeson.
Orrum Township—J. Belis Lawson.
Saddletree Township—Grady S. Harrell.
Red Springs Township—F. C. Jones, R. A. McConehay.
Lumberton Township—H. M. McCalister.
Philadelphus Township—W. L. Humphrey.

ROCKINGHAM COUNTY

Mayo Township—L. W. Matthews. Rockingham.
New Bethel Township—W. G. Sharp.

ROWAN COUNTY

Unity Township—J. C. Barber. Rowan.
Mt. Ulla Township—J. C. Sherrill.
Cleveland Township—W. R. Little.
Gold Hill Township—Homer Foil.

SAMPSON COUNTY

Plainview Township—Harvey Hinson. Sampson.
Westbrook Township—Winslow Tart.

SURRY COUNTY

Siloam Township—B. E. Whitaker. Surry.

TRANSYLVANIA COUNTY

Hogback Number One Township—T. C. McCall. Transylvania.
Dunns Rock Township—G. W. Whitmire.
Gloucester One Township—Allen McCall.
Hogback Number Three Township—L. E. Gash.

Cathey's Creek Township—R. K. Powell.
Brevard Township—Ed Leftis.

TYRRELL COUNTY

Tyrrell.

Columbia Township—J. W. Hamilton.
Gum Neck Township—R. Bruce Cohoon.

UNION COUNTY

Union.

Monroe Township—R. C. Funderburk, J. Vernon Griffin, H. K. Helms, R. F. Beasley, Jr., W. C. Sanders, C. M. Shannon.
Lanes Creek Township—E. E. Huggins.
Sandy Ridge Township—Page Price.
Jackson Township—R. D. Sims.
Goose Creek Township—A. E. Little.

VANCE COUNTY

Vance.

Henderson Township—J. M. Mitchell, C. P. Lowry, R. N. Gupton, Fred B. Hight, S. B. Rogers, H. W. Hight, C. C. Finch.
Kittrell Township—T. T. Ellis, A. B. Pleasants.
Middleburg Township—R. L. Bennett, B. S. Parham, E. L. Flaming, A. C. Paschall.
Sandy Creek Township—W. J. Bowen.
Townsville Township—R. B. Taylor.
Watkins Township—R. G. Cawthorne.
Williamsboro Township—J. H. Rice.

WARREN COUNTY

Warren.

Warrenton Township—J. C. Moore.

WASHINGTON COUNTY

Washington.

Lees Mill Township—W. T. Freeman, Mack Marrow.

WATAUGA COUNTY

Watauga.

Elk Township—Miss Dorothy Miller.
Bald Mountain Township—Wade Norris.
Beaver Dam Township—Elledge Trivett.
Blowing Rock Township—Howard Holshouser.
Blue Ridge Township—Elmer Miller.
Brushey Fork Township—Fred Wilson.
Laurel Creek Township—Lloyd Presnell.
Meat Camp Township—Howard Foster.
Meat Camp Number Two Township—Wayne Miller.
North Fork Township—John Potter.
Shawneehaw Township—Clyde Tester.
Stony Fork Township—Jason Moretz, E. A. Russell.
Watauga Township—Clyde Dula, Charlie Moore.
Boone Township—Ralph G. Greer.
Cove Creek Township—W. R. Halman.

WILKES COUNTY

Wilkes.

Somers Township—Willie M. Johnson, Edward Glass, J. E. Goforth.
Traphill Township—D. H. Brown.
Stanton Township—Mrs. Pearl Rector Church.
New Castle Township—Walter Martin.
Reddies River Township—S. A. Rash, E. M. Hoffman.
North Wilkesboro Township—Roby Elledge.
Mulberry Township—Mrs. Stacy H. Jones.
Wilkesboro Township—Frances B. Somers, Ed Crysel, I. C. Church.
Beaver Creek Township—T. W. Ferguson.

WILSON COUNTY

Wilson.

Wilson Township—John N. Pearce.
Toisnot Township—George E. Tyson.

YADKIN COUNTY

Yadkin.

East Bend Township—H. A. Norman, John R. Poindexter, Hovey Norman.
Liberty Township—J. H. P. Shore, H. H. Hutchens.
Buck Shoal Township—H. C. Johnson.
Forbush Township—Stancil Sain, John Binkley, William (Bill) Dinkins.
Fall Creek Township—W. A. Williams, George Prim.
Deep Creek Township—J. H. Reavis, W. Everette Holcomb.
Boonville Township—A. F. Moxley, Eugene Castevens.
Knobs Township—J. S. Hinson.

YANCEY COUNTY

Yancey.

Burnsville Township—Molt Hensley, L. E. Briggs.
Cane River Township—W. S. Edwards.
Egypt Township—Q. R. Wilson.
Ramseytown Township—R. E. Holloway, J. E. McIntosh, J. W. Higgins.
Jacks Creek Township—Carl T. Young, R. D. Peterson.
Crab Tree Township—R. W. Silvers, W. A. Hall.
South Toe Township—J. W. Hoover, W. R. Robinson.
Price Creek Township—Harmon Edwards, John W. Metcalf.

SEC. 2. That this Act shall be in full force and effect from and after the first day of April, one thousand nine hundred and forty-five.

Ratified this the 21st day of March, 1945.

S. B. 368 CHAPTER 1100

AN ACT TO AMEND HOUSE BILL NUMBER TWO HUNDRED AND SEVENTY-FIVE OF THE ONE THOUSAND NINE HUNDRED AND FORTY-FIVE SESSION OF THE GENERAL ASSEMBLY TO MAKE IT APPLICABLE TO THE CITY OF ASHEBORO.

The General Assembly of North Carolina do enact:

Extending H. B. 275 of 1945 Session to Randolph County.

SECTION 1. That House Bill Number two hundred and seventy-five of the Session of the General Assembly of one thousand nine hundred and forty-five, as amended, is hereby amended by striking therefrom the amendment which exempts the County of Randolph from the provisions thereof.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 947 CHAPTER 1101

AN ACT TO AUTHORIZE A TAX LEVY IN VASS-LAKEVIEW SCHOOL DISTRICT AND/OR CARTHAGE GRADED SCHOOL DISTRICT FOR THE PURPOSE OF OPERATING A TEACHERAGE, SCHOOL CAFETERIAS, AND FOR OTHER EXPENSES OF SAID DISTRICTS.

The General Assembly of North Carolina do enact:

Authorizing Moore County to make special tax levy in certain school districts.

SECTION 1. That the Board of County Commissioners of Moore County is authorized and empowered to levy and collect a tax not to exceed fifteen cents (15c) on the one hundred dollars ($100.00) valuation of property in Vass-Lakeview School District and/or Carthage Graded School District for the purpose of maintaining, repairing and operating a teacherge; operation of school cafeterias; paying for personal services; buying equipment and supplies; installation of new departments in the schools of said districts; payment of teachers; supplementing teachers' salaries; buying athletic supplies, or for any other school purposes that the school boards of said districts may determine necessary for raising the standards of said schools.

Referendum in interested districts.

SEC. 2. Upon a written petition signed by at least fifteen per cent (15%) of the qualified voters who reside within said district or districts, the tax levy provided for in Section one of this Act shall be submitted to the qualified voters thereof in the same way and manner and under the same rules and regulations as provided by Article twenty of Chapter one hundred and sixty-three of the General Statutes of North Carolina, the same being the

article applicable to local elections held in counties, cities, towns and townships.

Form of ballot.

SEC. 3. That the ballot to be used in voting on whether the tax authorized by this Act shall be levied shall contain the following question:

Shall a tax not to exceed fifteen cents (15c) on the one hundred dollars ($100.00) valuation of property in..... School District (here insert name of district) be levied for the purpose of repairing and operating a teacherage and operating a school cafeteria and for other school expenses?

with appropriate spaces for marking "Yes" or "No."

Procedure and results.

SEC. 4. That if a majority of the qualified voters of said district or districts, as the case may be, casting their votes in such special election, shall vote in favor of the tax, the Board of County Commissioners of Moore County shall levy and collect a tax not to exceed fifteen cents (15c) on the one hundred dollars ($100.00) valuation of property in said district or districts for the purposes set forth in Section one of this Act. The governing authority of said district or districts shall determine in its discretion the amount of tax to be levied.

Election.

SEC. 5. It shall be the duty of the county board of elections to hold and conduct said election when ordered to do so by the Board of County Commissioners of Moore County, and it shall be the duty of the Board of County Commissioners of Moore County to order said election within sixty days after filing with said board the petition with the necessary number of signers as required by this Act. If the tax herein provided is authorized by said special election and is levied and collected by said board of county commissioners, the proceeds of same shall be deposited in a special fund or account and to the credit of the county board of education, and it shall be the duty of the County Board of Education of Moore County to authorize the district or districts named in this Act to expend the amounts fixed in the budget of said district or districts by the school authorities of said district or districts for the special purposes named in this Act.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 819 CHAPTER 1102

AN ACT TO ESTABLISH A COUNTY LIBRARY IN SAMPSON COUNTY.

WHEREAS, an adequate court library is necessary and desirable for the use of the courts and court officials in said county; and

WHEREAS, the establishment of a court library in Sampson County will promote the best interests of the litigants and citizens of said county; and

WHEREAS, it is desired to provide for the proper equipment, books and records, and for the proper support and maintenance of said library: Now, therefore,

The General Assembly of North Carolina do enact:

Relating to court library in Sampson County.

SECTION 1. That the Clerk of the Superior Court, the President of the Sampson County Bar Association, the Chairman of the Library Committee of the Sampson County Bar Association, and the Auditor of Sampson County, and their successors in office, be, and they are hereby constituted custodian of all books, supplies, equipment, and property of the court library which shall be kept and maintained for the County of Sampson, and for the use of the courts and court officials of said county.

Property of Sampson County.

SEC. 2. All books, equipment, supplies, and property of said library shall be the property of the County of Sampson, and the said county is authorized to hold said property, and the custodian, or its agent, is authorized to add thereto by gift, donation, purchase, and otherwise, such books of law and legal reference, supplies and equipment as may be reasonably necessary and proper for an adequate court library.

Regulations and penalty for violation.

SEC. 3. The cusodian of said library shall prescribe such reasonable rules and regulations for the use, control, and management of said library, as may be deemed proper, and any violation of such reasonable rules and regulations by any person shall constitute a misdemeanor, the person violating same shall forfeit and pay ten dollars ($10.00) to the library fund hereinafter provided for.

Finances.

SEC. 4. In order to provide a fund for the equipment, maintenance and support of the said library, in every civil action or special proceeding instituted in the Superior Court of Sampson County where costs are paid in advance, one dollar ($1.00) shall be taxed and paid to the clerk of the court to be set aside and designated as a Court Library Fund; and all other civil actions or special proceedings tried or disposed of in the superior court of said county shall be taxed one dollar for said Court Library Fund when costs are collected or paid to the said clerk; and, in

like manner, there shall be taxed and paid the sum of one dollar ($1.00) for every criminal case in the Superior Court of Sampson County and in the Recorder's Court of Sampson County, in which costs are paid by the defendant, and, if any other court shall be established in the County of Sampson exercising jurisdiction above that of a justice of the peace, there shall be collected in such courts the sum of one dollar ($1.00) for the Court Library Fund in each civil and criminal case as prescribed herein. The Court Library Fund shall be paid by the Clerk of the Superior Court to the Auditor of Sampson County monthly, and shall be deposited by said auditor in a bank designated by the custodian for that purpose, and shall be used solely for the purpose of equipping, maintaining, and operating said library. All checks drawn on said account shall be signed by the Chairman of the Library Committee of the Sampson County Bar, and countersigned by the Auditor of Sampson County, and it shall be the duty of the auditor to keep a correct account of all receipts and disbursements in connection with said funds.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. B. 999 CHAPTER 1103

AN ACT TO AMEND HOUSE BILL SEVEN HUNDRED AND SIXTY-TWO ENTITLED "AN ACT TO PREVENT HASTY MARRIAGES," RATIFIED THE TWENTIETH DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

The General Assembly of North Carolina do enact:

Amending H. B. 762 of 1945 Session.

SECTION 1. That House Bill seven hundred and sixty-two ratified the twentieth day of March, one thousand nine hundred and forty-five, be and the same is hereby amended by striking out the words "Beaufort and Hyde" from the list of counties to which this Act applies; it being the intent and purpose of this Act to exempt Beaufort and Hyde Counties from the provisions of said Act.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

RESOLUTIONS

S. R. 2 RESOLUTION 1

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, THE GOVERNOR, THAT THE GENERAL ASSEMBLY IS READY TO PROCEED WITH PUBLIC BUSINESS.

Resolved by the Senate, the House of Representatives concurring:

Appointing Committee to notify the Governor that General Assembly is organized and ready to perform.

SECTION 1. That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to notify His Excellency, the Governor, that the General Assembly is organized and now ready to proceed with public business, and invite him to deliver any messages that he may have, in person or in writing.

SEC. 2. That this Resolution shall be in force from and after its ratification.

Ratified this the 9th day of January, 1945.

S. R. 3 RESOLUTION 2

JOINT RESOLUTION RELATIVE TO THE INAUGURATION OF GOVERNOR ELECT AND OTHER STATE OFFICERS.

Resolved by the Senate, the House of Representatives concurring:

Appointing Committees to cooperate in inaugural of Governor and other officers.

SECTION 1. That a committee of two on the part of the Senate, to be selected by the Lieutenant Governor, and of three on the part of the House, to be selected by the Speaker, be appointed to cooperate with the committee appointed by the City of Raleigh and local organizations to arrange for the details incident to the inaugural ceremonies of Governor elect Cherry and other State officers.

Appropriating $3000.00 for expenses of inauguration.

SEC. 2. That the sum of three thousand dollars, or so much thereof as may be necessary, be, and is hereby, appropriated to cover the expenses incident to the inauguration, and the auditor is hereby authorized and directed to issue warrants upon the treasurer payable to the chairman of the said Senate committee for such inauguration expenses as he may approve, not to exceed in the aggregate the amount above named.

SEC. 3. This Resolution shall be in force from and after its ratification.

Ratified this the 9th day of January, 1945.

H. R. 1 RESOLUTION 3

A JOINT RESOLUTION INVITING HIS EXCELLENCY, THE GOVERNOR OF NORTH CAROLINA, PRESIDENT CLARENCE A. DYKSTRA, AND OTHERS TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY.

University incorporated in 1789.

WHEREAS, by Act of the General Assembly of North Carolina passed at the session of one thousand seven hundred and eighty-nine the University of North Carolina was incorporated; and

University opened January 15, 1795.

WHEREAS, pursuant thereto said university was formally opened on the fifteenth day of January, one thousand seven hundred and ninety-five; and

Relating to sesquicentennial anniversary of University.

WHEREAS, by act of the Governor of the State of North Carolina a legislative commission composed of Mr. Victor S. Bryant of Durham as Chairman and Messrs. Marsden Bellamy, H. Galt Braxton, Gordon Gray, John L. Morehead, D. Hiden Ramsey and Capus M. Waynick was appointed to make preparations for the observance of the sesquicentennial anniversary of the founding of the University of North Carolina; and

Governor Gregg Cherry and Dr. Clarence A. Dykstra to make addresses.

WHEREAS, Said commisison has requested His Excellency, the Governor of North Carolina, Honorable R. Gregg Cherry, and President Clarence A. Dykstra of the University of Wisconsin to make addresses at exercises on said occasion; and

Anniversary exercises to be held in Hall of House.

WHEREAS, it is considered fitting and the General Assembly of North Carolina desires that these exercises be held in the Hall of the House of Representatives at a joint session therof:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Inviting Governor Cherry, Dr. Dykstra and others to address Joint Session on January 15, 1945.

SECTION 1. That His Excellency, the Governor of North Carolina, Honorable R. Gregg Cherry, President Clarence A. Dykstra, President Frank P. Graham, Dean R. B. House, and Mr. Victor S. Bryant, Chairman, be invited to address the joint session of the General Assembly in the Hall of the House at eight o'clock p.m. on Monday, the fifteenth day of January, one thousand nine hundred and forty-five, and further that the other members of the commission be invited to attend these exercises.

SEC. 2. That a committee of two from the Senate be appointed by the Lieutenant Governor and a committee of three from the House be appointed by the Speaker to extend the invitations to each of the above to appear before the joint session of the General Assembly at that time.

Appointing Committee to extend foregoing invitations.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 10th day of January, 1945.

S. R. 6 RESOLUTION 4

A JOINT RESOLUTION TO AUTHORIZE AND PROVIDE FOR THE PRINTING OF THE GOVERNOR'S ADDRESS AND BUDGET MESSAGE TO THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That two thousand copies of the Address and Budget Message of His Excellency, R. Gregg Cherry, Governor of North Carolina, be forthwith printed and delivered at the Governor's office for such distribution of the same as he may desire to make.

Directing printing 2000 copies of Address and Budget Message of the Governor.

SEC. 2. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 18th day of January, 1945.

H. R. 24 RESOLUTION 5

A JOINT RESOLUTION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA CONCERNING THE CENTENNIAL OF THE STATE SCHOOL FOR THE BLIND AND THE DEAF.

WHEREAS, January eighth, one thousand nine hundred and forty-five, is the Centennial of the State School for the Blind and the Deaf; and

Centennial of State School for Blind and Deaf.

WHEREAS, the directors of said school have planned a celebration for January twenty-third, one thousand nine hundred and forty-five, to begin at three o'clock with a barbecue at six o'clock, and addresses at eight o'clock and have extended an invitation to the members of the General Assembly and their wives to attend this celebration:

Members invited to barbecue supper and addresses on January 23, 1945.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Accepting foregoing invitation.

SECTION 1. That the members of the General Assembly of North Carolina accept the invitation to attend this centennial.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 18th day of January, 1945.

H. R. 45 **RESOLUTION 6**

A JOINT RESOLUTION PROVIDING FOR SPECIAL COMMITTEES OF THE HOUSE AND SENATE TO INVESTIGATE AND REPORT AT THIS SESSION ON THE ADVISABILITY OF SEPARATION OF THE DIVISION OF GAME AND INLAND FISHERIES FROM THE DEPARTMENT OF CONSERVATON AND DEVELOPMENT.

Administration of game, fish and bird laws.

WHEREAS, the administration of the game, fish and bird laws of the State of North Carolina was placed under the State Game Commission by authority of Chapter fifty-one, Public Laws of one thousand nine hundred and twenty-seven, and thereafter under the administration of the Department of Conservation and Development by Chapter four hundred and eighty-six, Public Laws of one thousand nine hundred and thirty-five, commonly known as "The North Carolina Game Law,"; and

Division of Game and Inland Fisheries of Department of Conservation and Development.

WHEREAS, the affairs of this worthwhile agency have since been carried on as the Division of Game and Inland Fisheries of the Department of Conservation and Development of the State of North Carolina; and

Considering creation of independent department to administer game, fish and bird laws.

WHEREAS, the undertakings, endeavors and functions of this agency of government are of inestimable worth and value to the State, and of much benefit to the citizens thereof, and there has recently arisen in the minds of many thoughtful persons the question of the wisdom of the continuance of its activities as a division of any State department or the creation of a separate unit of government to supervise and direct its activities:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Appointing Committee to consider establishing independent department.

SECTION 1. That a special committee, consisting of three members of the House and two members of the Senate, be appointed by the respective presiding officers to promptly convene in joint session and consider the desirability of separating the Division of Game and Inland Fisheries from the Department of Conservation and Development and the setting up of a separate State agency for the handling of the affairs of the Division of

Game and Inland Fisheries, this committee to make such inquiries and hear all interested parties and make its report to the General Assembly on or before the first day of February, one thousand nine hundred and forty-five, or as soon thereafter as it may reasonably do so.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 18th day of January, 1945.

S. R. 26 RESOLUTION 7

A JOINT RESOLUTION TO CREATE THE OFFICE OF LIAISON OFFICER AND PARLIAMENTARIAN BETWEEN THE HOUSE AND SENATE FOR THE ONE THOUSAND NINE HUNDRED AND FORTY-FIVE SESSION OF THE GENERAL ASSEMBLY AND NAMING THE HONORABLE WALTER P. MURPHY AS SUCH OFFICER.

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. There is hereby created during the one thousand nine hundred and forty-five Session of the General Assembly the office of Liaison Officer between the House and Senate.

Creating office of Liaison Officer between House and Senate.

SEC. 2. That the Honorable Walter P. Murphy be appointed as such Liaison Officer.

Appointing Walter P. Murphy to be Liaison Officer.

SEC. 2-A. That the Liaison Officer shall be paid ten dollars ($10.00) per legislative day.

Fixing pay at $10.00 per day.

SEC. 3. This Resolution shall be in full force and effect from and after January third, one thousand nine hundred and forty-five.

Ratified this the 19th day of January, 1945.

S. R. 28 RESOLUTION 8

RESOLUTION RELATING TO PAYMENTS IN LIEU OF TAXES ON FEDERALLY-OWNED PROPERTY IN THE STATE.

Be it resolved by the Senate, the House concurring:

SECTION 1. That the Senators and Representatives in Congress from North Carolina be requested to give careful consideration to the present method of payment by the Federal Government on forest lands, Tennessee Valley Authority properties

Relating to payment for Federally owned property in our State.

and other properties owned by the Federal Government, with the view of providing a more stable form of payment on forest lands and a more equitable payment on Tennessee Valley Authority properties and other properties owned by the Federal Government.

Copies to our Senators and Congressmen.

SEC. 2. That copies of this Resolution be sent by the Secretary of State to our Senators and Representatives in Congress.

SEC. 3. That this Resolution be in full force and effect from and after its ratification.

SEC. 3. That this Resolution be in full force and effect from and after its ratification.

Ratified this the 19th day of January, 1945.

S. R. 56 RESOLUTION 9

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF AND APPRECIATION OF THE LIFE AND SERVICE OF LIEUTENANT VIRGINIUS BODDIE PERRY.

Lt. V. B. Perry.

WHEREAS, Lieutenant Virginius Boddie Perry, nephew of the distinguished Senator, Thomas O'Berry of Wayne County, was recently killed in battle in the defense of his country while serving in the Marine Corps; and

Expression of sympathy.

WHEREAS, the members of the General Assembly of North Carolina wish to express their heartfelt sympathy to the distinguished Senator from Wayne County: Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

Expressing appreciation for services of Lt. V. B. Perry.

SECTION 1. That the members of the General Assembly of North Carolina, session of one thousand nine hundred and forty-five, take this method of expressing their appreciation for the service rendered by the distinguished nephew of our beloved Senator, Thomas O'Berry, who was killed in combat in the defense of his country and extend their sympathy to the other members of the family in the great loss and sorrow that all have sustained.

Copies to family of Lt. Perry.

SEC. 2. That a copy of this Resolution be sent to the members of the family of Lieutenant Virginius Boddie Perry and that a copy be spread upon the journal of both branches of the General Assembly.

Ratified this the 20th day of January, 1945.

S. R. 33 **RESOLUTION 10**

A JOINT RESOLUTION URGING THE SENATORS AND REPRESENTATIVES OF NORTH CAROLINA IN THE CONGRESS OF THE UNITED STATES TO USE THEIR BEST EFFORTS TO CONTINUE THE TOBACCO CONTROL PROGRAM.

WHEREAS, the fortunes and welfare of the people of North Carolina are immutably intertwined with the growing and marketing at a fair price of tobacco; and

WHEREAS, the people of North Carolina are fully cognizant of the fact that the unrestricted planting and growing of tobacco results in a return from the sale thereof which is insufficient to support and maintain the people of this State; and

WHEREAS, by the free choice of the voters of North Carolina the control system was originally adopted in North Carolina by an overwhelming majority; and

WHEREAS, it is believed that if the Tobacco Control Program is continued, the people of North Carolina will receive an income from the sale thereof commensurate with the time and effort required to grow the same:

Now, therefore, be it resolved by the Senate of the State of North Carolina, the House of Representatives concurring:

Urging continuance of Tobacco Control Program.

SECTION 1. That the Representatives and Senators of North Carolina in the Congress of the United States use their best efforts to continue in effect the Tobacco Control Program as a necessary program in the growing and marketing of tobacco.

Copies to our Senators and Congressmen.

SEC. 2. That a copy of this Resolution be forwarded to each Representative and Senator from North Carolina in the Congress of the United States.

SEC. 3. That this Resolution shall be in effect from and after its ratification.

Ratified this the 25th day of January, 1945.

S. R. 67 **RESOLUTION 11**

A JOINT RESOLUTION ACCEPTING THE INVITATION OF HONORABLE N. E. EDGERTON, CHAIRMAN OF NORTH CAROLINA HOSPITALS BOARD OF CONTROL, TO MEET WITH SAID BOARD FOR A GENERAL INSPECTION TOUR AND STUDY OF THE NEEDS OF THE INSTITUTIONS.

WHEREAS, the North Carolina Hospitals Board of Control meets Wednesday, January thirty-first, at three thirty p.m., at the State Hospital in Raleigh, for the purpose of considering the general welfare of the several institutions under the control of said board; and

WHEREAS, said board, through its Chairman, Honorable N. E. Edgerton, has invited each and every member of the General Assembly of North Carolina to meet with said board and join with it in inspecting said hospital and considering the necessities of the institutions; and

WHEREAS, it is the desire of the members of the General Assembly to express its appreciation to said board and to accept said invitation:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Accepting invitation of North Carolina Hospitals Board of Control to meet with it at State Hospital.

SECTION 1. That the General Assembly of North Carolina expresses its appreciation and accepts the invitation of North Carolina Hospitals Board of Control to meet with it at the State Hospital in Raleigh, on Wednesday, January thirty-first, one thousand nine hundred and forty-five at three thirty p. m. for the purpose of inspecting the facilities of the hospital and to consider its needs and requirements.

SEC. 2. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 30th day of January, 1945.

H. R. 25 **RESOLUTION 12**

A JOINT RESOLUTION INVITING THE HONORABLE DAVID E. LILIENTHAL, CHAIRMAN OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY, TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY.

WHEREAS, the General Assembly of North Carolina is desirious that the Honorable David E. Lilienthal, Chairman of the Board of Directors of the Tennessee Valley Authority, address the General Assembly in joint session:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Inviting David E. Lilienthal to address Joint Session on January 30, 1945.

SECTION 1. That the Honorable David E. Lilienthal, Chairman of the Board of Directors of the Tennessee Valley Authority, be, and he is hereby, invited to address a joint session of the General Assembly of North Carolina at a session to be held on January thirtieth, one thousand nine hundred and forty-five, at an appropriate hour of said session, or at such time on such day as his convenience will permit.

SEC. 2. That a committee of two from the Senate, to be appointed by the Lieutenant Governor, and three from the House, to be appointed by the Speaker, inform David E. Lilienthal of this action and extend this invitation to him.

SEC. 3. That this Resolution shall be in force from and after its ratification.

Ratified this the 31st day of January, 1945.

S. R. 203 **RESOLUTION 13**

A JOINT RESOLUTION MEMORIALIZING THE MEMBERS OF THE NORTH CAROLINA DELEGATION IN THE SENATE AND THE CONGRESS OF THE UNITED STATES TO LEND THEIR IMMEDIATE ASSISTANCE IN OBTAINING TOBACCO PLANT BED CLOTH FOR THE FARMERS OF EASTERN NORTH CAROLINA.

WHEREAS, the tobacco farmers of Eastern North Carolina are unable to obtain plant bed cloth for covering their tobacco beds, and whereas, it is absolutely essential and necessary that said cloth be made immediately available by the War Production Board or other federal agency, in order that a tobacco crop be produced in one thousand nine hundred and forty-five, and that it is essential and urgent that said tobacco bed cloth be made available for immediate use and that further delay in obtaining such materials will seriously impair our tobacco crop:

Now, therefore, be it resolved by the Senate and the House of Representatives concurring:

Requesting our Senators and Congressmen to aid in procurement of tobacco cloth for eastern North Carolina farmers.

SECTION 1. That the General Assembly of North Carolina urgently request the members of the Senate and Congress from North Carolina to use their immediate concerted efforts to obtain from the appropriate federal agency an immediate supply of tobacco cloth to be available for the farmers of Eastern North Carolina who are in dire and immediate need of said material.

Copies to our Senators and Congressmen.

SEC. 2. That a duly certified copy of this Resolution be sent to the Senators and Representatives in Congress from North Carolina.

SEC. 3. This Resolution shall be in full force from and after its ratification.

Ratified this the 15th day of February, 1945.

H. R. 297 **RESOLUTION 14**

A JOINT RESOLUTION RECOGNIZING THE PRIMARY CLAIMS OF THE CASWELL TRAINING SCHOOL FOR A BUILDING PROGRAM TO EXPAND ITS FACILITIES TO TAKE CARE OF ADDITIONAL PATIENTS AS SOON AS CONDITIONS PERMIT SUCH EXPANSION.

WHEREAS, in the report of the Budget Commission on Page XXXI it is said that the need for expanded facilities to care for white and colored feeble-minded seems to be one of the most pressing needs facing the State; that there are approximately eight hundred inmates of Caswell Training School and there is now a waiting list of eight hundred and possibly more; that this condition should not continue and that, as soon as possible and practicable, the facilities be provided according to need; that there is an ungent need for facilities to care for negro feeble-minded children and that this condition should be remedied as soon as possible and practicable; and

WHEREAS, in the said budget report it was stated that in view of the fact that the State cannot construct buildings at this time because of the war emergencies and because of uncertainties as to when construction might be started, appropriations for permanent improvements were not recommended; and

WHEREAS, such conditions above recited continue at the present time during the sitting of the General Assembly; and

WHEREAS, it is recognized by the General Assembly that the needs for the expansion of the facilities of the Caswell Training School and the care of negro feeble-minded children constitute a first call upon the State when construtcion may be started and conditions become favorable for carrying on such work:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Relating to expansion of facilities at Caswell Training School.

SECTION 1. That it is recognized by the General Assembly of North Carolina that the expansion of the facilities of the Caswell Training School and the providing of facilities to care for negro feeble-minded children constitutes one of the primary and

most pressing needs of the State and should be given priority in the first building program undertaken by the State.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1945.

S. R. 85 **RESOLUTION 15**

A JOINT RESOLUTION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA URGING THE DEVELOPMENT OF PALESTINE INTO A SELF-GOVERNING JEWISH COMMONWEALTH.

WHEREAS, on November second, one thousand nine hundred and seventeen, His Majesty's Government issued the Balfour Declaration viewing with favor the establishment in Palestine of a National Home for the Jewish people; and

WHEREAS, this policy was concurred in by the United States in a joint Congressional Resolution adopted June thirtieth, one thousand nine hundred and twenty-two, and implemented by the Anglo-American treaty of December third, one thousand nine hundred and twenty-four; and

WHEREAS, the sufferings of the Jews of Europe under the heel of the Nazis cry out to the enlightened conscience of the United Nations, and the need for the full implementation of the promise of a homeland of their own for the stricken and persecuted Jewish masses has become not merely a matter of justice but a dire necessity; and

WHEREAS, the Democratic and the Republican parties in their national conventions of one thousand nine hundred and forty-four adopted platforms in favor of the reestablishment of Palestine as a free and democratic Jewish Commonwealth; and

WHEREAS, the President of the United States on October fifteenth, one thousand nine hundred and forty-four expressed his approval of this aim which he stated to be "in accord with the traditional American policy and in keeping with the spirit of the Four Freedoms":

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the members of the General Assembly of North Carolina express their profound sympathy to the victims of Nazi religious persecution and racial hatred.

Expressing sympathy for victims of Nazi persecutions.

Relating to Palestine as home for Jewish refugees.

SEC. 2. That we respectfully urge that the gates of Palestine be opened for the entry and settlement of as many Jewish refugees as may need or desire to go there; and that in pursuance of the underlying intent and purpose of the Balfour Declaration there be established such political, economic, and administrative conditions as will insure the development of Palestine into a self-governing Jewish Commonwealth, which shall be an integral part of a new democratic world order in accordance with the principles for which we fight.

Copies to President and U. S. Secretary of State.

SEC. 3. That this Resolution and the record of its adoption be transmitted through the usual and appropriate channels to His Excellency, Franklin D. Roosevelt, President of the United States, and to the Secretary of State.

SEC. 4. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

S. R. 95 **RESOLUTION 16**

A JOINT RESOLUTION MEMORIALIZING THE CONGRESS TO ENACT LEGISLATION FOR THE RELIEF OF COUNTIES WHOSE TAXABLE PROPERTY HAS BEEN TAKEN OVER FOR NATIONAL FORESTS AND PARKS.

WHEREAS, the National Government has acquired and now holds a large amount of lands in this State acquired for National Forests and National Parks; and

WHEREAS, in some counties the amount of land so taken represents a large proportion of the taxable property of the counties and while held by the National Government is not subject to taxation by the various counties of the State in which such lands lie; and

WHEREAS, by reason of the taking of such lands many of said counties are unable to meet the payments on outstanding obligations and pay the other operating expenses of the counties for maintaining the necessary services for the people therein; and

WHEREAS, the taking of such property and the loss of such taxes has created a crisis in the county government of many counties of the State:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Congress of the United States be memorialized to adopt some legislation which will provide for annual payments to the various counties of the State, compensating such

counties for the loss in taxes from the lands taken over by the National Government for National Forests and National Parks therein, to the end that said counties may continue to function and meet the necessary obligations of county government.

Relating to Federal legislation to provide for Federal payments to Counties to compensate for loss of taxes on Federally owned property.

SEC. 2. That a copy of this Resolution shall be sent by the Secretary of State to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and a copy thereof be sent to each member of Congress from the State of North Carolina.

Copies to President, our Senators and Congressmen et al.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

S. R. 128 RESOLUTION 17

A JOINT RESOLUTION MEMORIALIZING CONGRESS FOR A CONSTITUTIONAL AMENDMENT PROVIDING FOR RATIFICATION OF TREATIES BY A MAJORITY OF THE MEMBERS OF THE HOUSE AND SENATE.

WHEREAS, the Constitution of the United States provides that the President shall have the power, by and with the advice of the Senate, to make treaties, provided two thirds of the Senators present concur; and

WHEREAS, this constitutional provision disqualifies the more representative House of Representatives from any participation in treaty-making and has led in the past to obstruction by determined minorities in the Senate; and

WHEREAS, it is of the utmost importance that the national government shall be able to effectuate any international agreement upon which the President and a majority of the Senators and a majority of the Representatives agree:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the General Assembly of North Carolina respectfully requests the Congress of the United States to propose either to the legislatures of the several states or to conventions in the several states an amendment to the Constitution of the United States, reading substantially as follows:

Urging Amendment to Federal Constitution to provide for Treaties to be made by President with consent of majority of Senate and House.

The President shall have the power by and with the advice and consent of Congress to make treaties, provided a majority of the members of the Senate and the House of Representatives shall consent thereto.

Copies to President, our Senators and Congressmen, et al.

SEC. 2. That a duly certified copy of this Resolution be sent by the Secretary of State to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives, and one copy of the same sent to each of the North Carolina Senators and members of the House of Representatives.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1945.

H. R. 98 RESOLUTION 18

A JOINT RESOLUTION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RETAIN AND TO CONTINUE UNEMPLOYMENT COMPENSATION AS A STATE GOVERNMENT FUNCTION AND TO RESIST ANY FURTHER FEDERAL ENCROACHMENT IN THIS FIELD.

WHEREAS, the committee on economic security, which made an exhaustive study of North Carolina prior to the passage of the Social Security Act, recommended in its report to the President of the United States that the states administer unemployment compensation with a minimum of Federal guidance and assistance; and

WHEREAS, the Congress of the United States, when it passed the Social Security Act in one thousand nine hundred and thirty-five, provided for state administration of unemployment compensation under limited Federal guidance; and

WHEREAS, the State of North Carolina, through its General Assembly, established in December, one thousand nine hundred and thirty-six, an unemployment compensation program for its citizens in conformity with the Social Security Act; and

WHEREAS, during the more than eight years since December, one thousand nine hundred and thirty-six, the unemployment compensation program in North Carolina has been administered by State officials and State employees with increasing efficiency and in a manner satisfactory alike to those entitled to benefits and to its citizens generally; and

WHEREAS, during this period the State of North Carolina has built up and accumulated an unemployment compensation fund of more than ninety-one million dollars ($91,000,000.00) for the benefit of its workers who may suffer unemployment; and

WHEREAS, the established and proven State machinery for administering unemployment compensation, together with the State's unemployment compensation fund, constitute North Carolina's most important bulwark against the economic uncertainties and hazards that lie before us in the post-war period of readjustment; and

WHEREAS, during the past, more than eight years, the states have established state unemployment compensation programs and have accumulated experience not available elsewhere in administering them, and have built up unemployment compensation reserves totaling in the aggregate more than six billion dollars ($6,000,000,000.00); and

WHEREAS, during the same period the states generally have expanded and broadened their unemployment compensation programs so as to make them more effective in meeting the needs of unemployed workers and can be expected further to broaden and expand their programs as the need for such action develops; and

WHEREAS, job placement machinery is essential to the proper administration of an unemployment compensation program in order to insure that every claimant is given every opportunity for suitable work; and

WHEREAS, in accordance with a request made by the President of the United States, North Carolina's job placement machinery—the employment service division of the Unemployment Compensation Commission—was loaned to the Federal Government on January first, one thousand nine hundred and forty-two for emergency use; and

WHEREAS, the Governors' Conference at its thirty-sixth annual meeting held in Hershey, Pennsylvania, on May thirty-first, one thousand nine hundred and forty-four, adopted resolutions urging and supporting the continuance of state administration of unemployment compensation and the return of state employment services to their respective states as soon as practicable; and

WHEREAS, His Excellency, R. Gregg Cherry, Governor of North Carolina, in his inaugural address, emphasized his belief that unemployment compensation is properly a state function and recommended that the General Assembly, if it shared his views, so express itself by resolution to this State's delegation in Congress:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Declaring that unemployment compensation program should remain to be a State function.

SECTION 1. That the General Assembly of North Carolina hereby expresses and earnestly asserts its agreement with the Governor of this State in his belief that unemployment compensation is properly, and should remain, a State function.

Urging our Senators and Congressmen to aid in efforts to retain unemployment compensation as a State function.

SEC. 2. That the Senators and Representatives in Congress from North Carolina be, and they are hereby, requested:

(1) To devote their influence, energy, and resources to the continuance of unemployment compensation as a state function; and

(2) To oppose with all possible diligence and force any attempt to centralize and federalize the administration of unemployment compensation; and

(3) To institute and support any measures necessary to insure the return of these state employment services as soon as practicable.

Copies to our Senators and Congressmen.

SEC. 3. That copies of this Resolution be transmitted by the Secretary of State of North Carolina to the Senators and Representatives who compose this State's congressional delegation.

Directing Governor and Unemployment Compensation Commission to cooperate with other States in foregoing project.

SEC. 4. That the Governor of North Carolina and the Unemployment Compensation Commission of North Carolina are hereby directed and requested to join and act in concert with all other states, officials and organizations in all their activities for the purpose of continuing unemployment compensation on the basis of a state system and in resisting Federal encroachment or federalization of such state systems; that the Secretary of State of North Carolina is directed to send copies of this Resolution to the Governor of each state and to the executive officer of all territories and possessions operating unemployment compensation systems.

SEC. 5. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, 1945.

H. R. 593 **RESOLUTION 19**

A JOINT RESOLUTION INVITING HIS EXCELLENCY, THE GOVERNOR, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND SENATE AT TWELVE O'CLOCK NOON, FEBRUARY TWENTY-SEVENTH, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

Be it resolved by the House of Representatives, the Senate concurring:

Inviting Governor to address Joint Session on February 27, 1945.

SECTION 1. That His Excellency, the Governor, be and he is hereby invited to address a joint session of the House of Representatives at twelve o'clock noon, February twenty-seventh, one thousand nine hundred and forty-five.

SEC. 2. This Resolution is in force and effect from and after its passage.

Ratified this the 28th day of February, 1945.

S. R. 168 **RESOLUTION 20**

A JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSION TO INSPECT AND REPORT TO THE NEXT GENERAL ASSEMBLY ON THE STATE'S PENAL INSTITUTIONS.

Be it resolved by the Senate, the House of Representatives concurring:

Directing the Governor to appoint a Commission to inspect the State's penal institutions and to report to 1947 General Assembly.

SECTION 1. A commission is hereby created, consisting of five members to be appointed by the Governor of North Carolina from the membership of the General Assembly of one thousand nine hundred and forty-five, three of whom shall be from the House of Representatives and two from the Senate, which commission shall, after the adjournment of the present Session of the General Assembly and before the convening of the next, visit and inspect such prison camps operated by the State Highway and Public Works Commission as the commission created hereby may deem it wise to inspect. The State Highway and Public Works Commission shall cooperate with the commission in providing transportation for and furnishing information to the commission to expedite and facilitate the performance of its duties. Such inspections shall relate to examination of the buildings as a whole and with particular reference to sanitation, heating, and the necessary guards by night and day. Consideration shall be given to the sanitary conditions of the kitchen and equipment, and the preparation, quantity, quality and distribution of food, with reference to all meals and in particular to noon meals for

road camps; sanitary condition of bed covering and mattresses, and such other details as the commission may determine. The commission shall further examine into records in the office of the director of the prison camps to ascertain whether adequate and proper records are kept.

Report to be submitted to Governor on on before November 1, 1946.

SEC 2. That said commission shall make its report in writing of its findings to the Governor, which report shall be made on or before the first day of November, one thousand nine hundred and forty-six, setting out therein in full detail its findings and recommendations.

Fixing pay at $7.00 per day and actual expenses.

SEC. 3. That the members of said commission, while actually engaged in making said inspection, shall be allowed a per diem of seven ($7.00) dollars and actual traveling expenses and necessary subsistence, the same to be paid from the State Highway Fund.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1945.

H. R. 858 RESOLUTION 21

A JOINT RESOLUTION INVITING MRS. FRANKLIN DELANO ROOSEVELT, WIFE OF THE PRESIDENT OF THE UNITED STATES, TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

Inviting Mrs. Franklin D. Roosevelt to address Joint Session on March 12, 1945.

SECTION 1. That Mrs. Franklin Delano Roosevelt, wife of the President of the United States, is hereby invited to address a joint session of the General Assembly of North Carolina in the House of Representatives, at three-thirty p. m., on Monday, the twelfth day of March, one thousand nine hundred and forty-five, and that the House and Senate convene in joint session at said time for the purpose of hearing said address.

SEC. 2. That a committee of three from the House, to be appointed by the Speaker, and two from the Senate, to be appointed by the Lieutenant Governor, extend this invitation to Mrs. Roosevelt.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1945.

H. R. 158 **RESOLUTION 22**

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO STUDY AND REPORT UPON THE PAYMENT OF TEACHERS, BASED UPON THE ABILITY OF THE INDIVIDUAL TEACHER.

WHEREAS, the present salary schedule for teachers in the public schools of North Carolina does not take into account the individual ability and the value of the services rendered by the individual teacher and the work done by the individual teacher in the public schools of the State; and

WHEREAS, it is desirable to have an incentive for teachers to excel in their profession and encourage the best endeavors of the teachers to improve their teaching capacity; and

WHEREAS, it is in the interest of the public schools of the State that the merit of an individual teacher be recognized and awarded by salaries based upon individual teaching ability:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Governor be, and he hereby is, authorized to appoint a commission of seven persons who shall fully investigate and report to the next General Assembly their findings as to the methods by which the compensation of teachers in the public schools of the State may be based upon merit and the individual capacity and ability of the respective teachers, to the end that such capacity and ability may be recognized and compensation provided therefor in the salaries paid such teachers of the State.

Authorizing Governor to appoint a Commission to investigate and report to the next General Assembly regarding payment of teachers' salaries on the basis of merit and individual ability.

SEC. 2. That said commission shall make its report on or before the first day of October, one thousand nine hundred and forty-six. The members of said commission shall serve without compensation but the actual expenses necessarily incurred in attending any meetings of said commission shall be paid from the Contingency and Emergency Fund.

Report to be submitted to Governor on or before October 1, 1946.

Members of Commission to receive actual expenses but no other compensation.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, 1945.

H. R. 648 **RESOLUTION 23**

A JOINT RESOLUTION REQUESTING THE VETERANS ADMINISTRATION AT WASHINGTON TO PROVIDE NECESSARY IMPROVEMENTS AT THE VETERANS ADMINISRATION FACILITY AT OTEEN, NORTH CAROLINA.

WHEREAS, there is a need for additional beds in the area served by the Veterans Administration Facility, Oteen, North Carolina, for the treatment of veterans suffering with pulmonary tuberculosis and its complications; and

WHEREAS, the recent increase of the bed capacity to one thousand two hundred and sixty-nine (1,269) requires expansion of clinics, laboratories, the surgery, and other adjuncts; and

WHEREAS, the present dietetic setup was designed for a much smaller hospital and not for central tray service; and

WHEREAS, the recreation facilities are entirely inadequate for an institution of such size; and

WHEREAS, contact with the station management indicates that a program for correcting these conditions has been recommended:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Urging Veterans Administration to improve facilities at Oteen.

SECTION 1. That the Veterans Administration at Washington, District of Columbia, is hereby urgently requested to proceed at the earliest possible moment with the putting into effect at the Veterans Administration Facility at Oteen, North Carolina, a four-point program of much needed improvements as follows:

Dietetic facilities.

1. Immediate revision of existing dietetic facilities to provide kitchen and dining rooms designed for system of feeding now in vogue.

Erection of additional buildings.

2. Immediate erection of administrative and clinical buildings of appropriate size to provide adequate administrative space, a modern surgery and clinics, laboratories, et cetera, sufficient for in-patient and out-patient load.

New recreation building.

3. Immediate construction of a new recreation building to provide adequate recreation facilities for all types of patients.

Additional beds.

4. Providing additional beds necessary for area to be served by the facility.

SEC. 2. That copies of this Resolution be forwarded to the Veterans Administration at Washington, District of Columbia, and to each Senator and Representative from North Carolina in the National Congress.

Copies to Veterans Administration and our Senators and Congressmen.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 15th day of March, 1945.

S. R. 208 **RESOLUTION 24**

A JOINT RESOLUTION CONTINUING THE COMMISSION APPOINTED BY THE GOVERNOR PURSUANT TO RESOLUTION NUMBER TWENTY-ONE OF THE ONE THOUSAND NINE HUNDRED AND FORTY-THREE GENERAL ASSEMBLY OF NORTH CAROLINA, FOR THE PURPOSE OF MAKING FURTHER INVESTIGATIONS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND FORTY-SEVEN FOR A REARRANGEMENT OF THE JUDICIAL AND SOLICITORIAL DISTRICTS OF THE STATE, AND OTHER RECOMMENDATIONS WITH RESPECT TO THE ADMINISTRATION OF JUSTICE IN NORTH CAROLINA.

WHEREAS, the General Assembly of one thousand nine hundred and forty-three adopted Joint Resolution number twenty-one, as set forth in the title of this Resolution; and

WHEREAS, a commission was appointed in and under authority of the said Joint Resolution, which commission has made a report to the Governor with recommendations therein that the commission be continued and that the Governor appoint members thereto for further investigations and recommendations; and

WHEREAS, it appears from the commission's report that a more comprehensive investigation and study should be made than was possible under the terms of Joint Resolution number twenty-one of the General Assembly of one thousand nine hundred and forty-three:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the commission heretofore provided for by Joint Resolution number twenty-one of the General Assembly of one thousand nine hundred and forty-three be, and the same is hereby, continued except as to personnel and limitations with respect to appointment thereof, and that the Governor be, and he is hereby, authorized to appoint within sixty days from the

Continuing Commission, provided by 1943 General Assembly, relating to rearrangement of Judicial and Solicitorial Districts, and authorizing Governor to appoint new Commission.

ratification of this Resolution not less than nine nor more than eleven members who shall constitute the commission; and the Governor is further authorized, thereafter, to fill such vacancies as may occur.

Purposes of Commission.

SEC. 2. That the purpose of said commission shall be to continue its study of the arrangement of the Judicial and Solicitorial Districts of the State of North Carolina, and to make such recommendations as the commission concludes should be made for the improvement of the administration of justice. It shall be the duty of said commission to file a report with the Governor not later than July first, one thousand nine hundred and forty-six, reporting the results of its investigations and its recommendations, which report shall be made available to the judges and solicitors of the State, the North Carolina State Bar, the North Carolina Bar Association, the clerks of the superior court, and to such other group or individuals as may be interested in the administration of justice; that after consideration of such suggestions and recommendations, the commission shall, on or before November first, one thousand nine hundred and forty-six, formulate and make its final report to the Governor and accompany said report with a bill effectuating the recommendations of the commission to be presented to the General Assembly of one thousand nine hundred and forty-seven.

To submit Report to Governor on or before November 1, 1946.

Commission to receive actual expenses but no other compensation.

SEC. 3. That the members of said commission shall serve without compensation but shall be allowed actual expenses while engaged in the performance of their duties.

Authorizing employment of Secretary and other necessary clerical help for Commission.

SEC. 4. That the commission shall have authority, by and with the approval of the Governor, to employ a secretary and such clerical help as may be necessary in order to effectively perform the duties of the commission.

Payment of expenses.

SEC. 5. That the Governor shall provide from the Contingency and Emergency Fund such amount as will be necessary to pay the clerical and other expenses of this commission.

SEC. 6. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 17th day of March, 1945.

S. R. 425 **RESOLUTION 25**

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE ELECTION OF TRUSTEES OF THE GREATER UNIVERSITY OF NORTH CAROLINA AND FOR THE APPROVAL OF APPOINTMENTS TO THE STATE BOARD OF EDUCATION.

Be it resolved by the Senate, the House of Representatives concurring:

Providing for Joint Meeting on March 14, 1945, to elect Trustees for the University and to approve appointment of State Board of Education.

SECTION 1. That the Senate and House of Representatives meet in joint session on Wednesday, March fourteenth, one thousand nine hundred and forty-five, at twelve thirty o'clock p. m. in the House chamber for the purpose of electing trustees of the Greater University of North Carolina and for the further purpose of approving appointments to the State Board of Education.

SEC. 2. That this Resolution shall be in full force and effect from and after March fourteenth, one thousand nine hundred and forty-five.

Ratified this the 17th day of March, 1945.

S. R. 272 **RESOLUTION 26**

A JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO APPOINT FRANCIS PICKENS BACON AS AN AMBASSADOR TO SOME CENTRAL OR SOUTH AMERICAN COUNTRY.

WHEREAS, Francis Pickens Bacon, who was born in South Carolina, was the son of Honorable John E. Bacon and Rebecca Calhoun Pickens Bacon, Honorable John E. Bacon having served with distinction as Secretary of the United States Embassy at the Court of Russia and later as Minister to Uruguray and Paraguay, and his grandfather having served as Ambassador to Russia under President Buchanan, and later as Governor of South Carolina, and his great grandfather, Andrew Pickens was Governor of South Carolina and his great-great grandfather was General Andrew Pickens of Revolutionary fame, and was a member of the Third Congress; and

WHEREAS, Mr. Bacon is now and has been for a number of years Mayor of Tryon, North Carolina, and has also served two terms as State Senator, and as a young man came to Tryon and has been a successful cotton textile manufacturer and now devotes most of his time to the mountain industries and to real estate; and

WHEREAS, Mr. Bacon is a gentlman of culture and ability and is widely traveled and well informed in international affairs and has a pleasing personality and is most popular in his own community, and with his background and training, his experience in business and State affairs and the fact he would not be entirely dependent on the salary he might receive, Mr. Bacon is unusually well fitted for a diplomatic post, preferably in Central or South America; and

WHEREAS, the appointment to diplomatic service of citizens of North Carolina has been rather rare of late and since we have in Mr. Bacon a man so well qualified in nearly every respect, it is thought that our State should receive full consideration in connection with Mr. Bacon's availability for appointment to some important diplomatic post:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Petitioning President to appoint Francis Pickens Bacon as ambassador to some Central or South American Country.

SECTION 1. The President of the United States, be, and he hereby is, petitioned to consider the outstanding qualifications of Francis Pickens Bacon in selecting ambassadors to our neighboring republics in Central America and South America and, if found consistent with public interest, that Francis Pickens Bacon be nominated for appointment as ambassador to some Central or South American country.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. R. 344 RESOLUTION 27

A JOINT RESOLUTION PETITIONING CONGRESS TO POSTPONE FOR TEN YEARS THE TIME THE NATIONAL PARK SERVICE CAN TAKE OVER THE CAPE HATTERAS NATIONAL SEASHORE.

WHEREAS, the Act of Congress approved August seventeenth, one thousand nine hundred and thirty-seven (50 Stat. 669), entitled "An Act to provide for the establishment of Cape Hatteras National Seashore in the State of North Carolina and for other purposes," provided that if all the lands described in the area of approximately one hundred square miles on the Islands of Chicamacomico, Ocracoke, Bodie, Roanoke and Colington, and the waters and lands beneath the waters adjacent thereto, had not been conveyed to the United States within ten years from the passage of the Act of Congress, the establishment of the aforesaid National Seashore, in the discretion of the Secretary of the Interior, might be abandoned; and

WHEREAS, in order to carry out the purpose and intent of the Act of Congress referred to, the General Assembly of one thousand nine hundred and thirty-nine enacted Chapter two hundred and fifty-seven of the Public Laws, creating a commission to be known as the "North Carolina Cape Hatteras Seashore Commission" and provided for the acquisition of lands within the proposed National Seashore and for the conveyance thereof to the United States; and

WHEREAS, acting under the authority of said law and other Acts of the General Assembly of North Carolina, the said commission has acquired by donation more than ten thousand acres of said land and has been engaged in acquiring the balance of said land by purchase and condemnation, but the acquisition thereof has been delayed by the existing state of war so that it now appears that it will be difficult, if not impossible, to acquire the required acreage in said National Seashore prior to the expiration of said ten years and it is necessary than an extension of time be provided by Act of Congress in order to enable the commission to acquire the land necessary for the establishment of said park:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Relating to Cape Hatteras National Seashore Park.

SECTION 1. That the Members of the House of Representatives and the Senators from North Carolina in the Congress of the United States be requested to make an effort to secure an amendment to the Act of Congress hereinbefore referred to, extending the time for the acquisition of the land within the area of the Cape Hatteras National Seashore for a period of ten years, and permitting the Secretary of the Interior, in his discretion, to accept for administration, protection and development by the National Park Service a minimum of ten thousand acres within the area referred to, under the same conditions as set out in the aforesaid Act of Congress, at any time prior to or within the said extended period.

Copies to our Senators and Congressmen.

SEC. 2. That the Secretary of State of North Carolina shall send a certified copy of this Resolution to each Member of the House of Representatives and each Senator in the Congress of the United States from North Carolina.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. R. 373 **RESOLUTION 28**

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA, FOR THE PURPOSE OF MAKING A STUDY AND SUBMITTING RECOMMENDATIONS TO THE ONE THOUSAND NINE HUNDRED AND FORTY-SEVEN SESSION OF THE GENERAL ASSEMBLY OF THE VARIOUS BRANCHES OF THE INSURANCE BUSINESS.

WHEREAS, on August third, one thousand nine hundred and forty-four, the Governor of North Carolina, Honorable J. Melville Broughton, because of the emergency created in the insurance industry brought about by the decision of the United States Supreme Court in the case of Southeastern Underwriters Association, and because of the uncertainty of the effect of said opinion upon the tax structure of the State and the insurance industry operating within its borders, appointed a commission for the purpose of making a complete study in the field of insurance and to make recommendations to the one thousand nine hundred and forty-five Session of the General Assembly as to proposed legislation considered necessary to clarify the uncertainty within the insurance field and to better enable an efficient administration of the insurance laws of the State; and

WHEREAS, said commission has made as complete a study as could be done in the limited time in which it had to work and has submitted its report embracing recommendations as to proposed legislation; and

WHEREAS, it is considered advisable to either continue said commission or name a new one to further study the problems involved and make further recommendations to the next Session of the General Assembly:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Directing Governor to appoint a Commission to continue study of the insurance laws of our State.

SECTION 1. That the Governor of North Carolina be, and he is hereby, authorized, empowered, and requested, to appoint a special commission of not more than twenty (20) citizens of the State of North Carolina for the purpose of continuing the study of the various problems in the insurance laws with a view of making further recommendations in the form of proposed legislation for consideration of the one thousand nine hundred and forty-seven Session of the General Assembly.

That said commission shall elect a chairman at its first meeting and shall cooperate with the Insurance Department of the State of North Carolina and its officials in carrying out the purposes of this Resolution.

SEC. 2. The term of service of the commission herein provided for shall continue until the first day of June, one thousand nine hundred and forty-seven and the Governor is hereby authorized to fill any vacancies which may occur.

Commission to continue until June 1, 1947.

SEC. 3. Members of the commission shall receive necessary travel expense and subsistence and such compensation as the Governor and Council of State may fix, not exceeding seven dollars ($7.00) per day to be paid out of the Contingency and Emergency Fund.

Fixing pay for Commission.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

S. R. 379 RESOLUTION 29

A JOINT RESOLUTION MEMORIALIZING THE NORTH CAROLINA DELEGATION IN THE CONGRESS OF THE UNITED STATES TO LEND THEIR ASSISTANCE IN OBTAINING TOBACCO TWINE FOR USE OF THE FARMERS OF NORTH CAROLINA.

WHEREAS, there is a scarcity of tobacco twine that is essential in harvesting of the tobacco crop of North Carolina; and

WHEREAS, Government quotas on said twine for one thousand nine hundred and forty-five are inadequate due to increase in the crop; and

WHEREAS, there is no surplus of tobacco twine in the hands of retailers, wholesalers, and jobbers, and it is the opinion of many people interested in cultivation of tobacco that the existing quotas will be entirely inadequate to house the one thousand nine hundred and forty-five crop; and

WHEREAS, there is no other method known to the industry for the housing of said crop except in the use of tobacco twine for the stringing of said tobacco, and that said twine must be available promptly during the housing season of said crop:

Now, therefore, be it resolved the Senate, the House of Representatives concurring:

Urging our Senators and Congressmen to aid in efforts to make tobacco twine available for North Carolina farmers by June 1, 1945.

SECTION 1. That the General Assembly of North Carolina petition and request the North Carolina Members of the Congress of the United States to use their influence and efforts to obtain from the appropriate Federal agencies increased quotas of tobacco twine sufficient to insure proper housing of the

one thousand nine hundred and forty-five tobacco crop and that said twine be made available to the farmers of North Carolina by June first, one thousand nine hundred and forty-five, in order to harvest said tobacco crop.

Copies to our Senators and Congressmen.

SEC. 2. That a certified copy of this Resolution be sent to each of the Senators and Representatives from North Carolina in the Congress of the United States.

SEC. 3. That this Resolution shall be in full force from and after its ratification.

Ratified this the 19th day of March, 1945.

S. R. 380 **RESOLUTION 30**

A JOINT RESOLUTION ENDORSING THE PRINCIPLES OF FREE AND UNHAMPERED ACCESS TO NEWS IN THE VARIOUS COUNTRIES OF THE WORLD AND COMMEND PRESS ASSOCIATION PRESIDENTS FOR THEIR WORK IN THIS FIELD.

WHEREAS, the North Carolina Press Association has endorsed the principle of free and unhampered access to and transmission of news in the various countries of the world; and

WHEREAS, the press of the United States has unanimously expressed a desire for equitable and uniform tolls in news dispatches emanating from the various countries of the world; and

WHEREAS, the unhampered access to news in all countries of the world will be a potent factor in the preservation of peace; and

WHEREAS, Kent Cooper, Executive Director of the Associated Press, and Hugh Baillie, President of United Press have been leading figures in this field:

Now, therefore, be it resolved the Senate, the House of Representatives concurring:

Relating to World Peace.

SECTION 1. That the General Assembly of North Carolina hereby heartily endorses and approves the principles heretofore enunciated and hereby expresses its opinion that the strict adherence to these principles would further the cause of world peace in the future.

Expressing appreciation to Kent Cooper and Hugh Baillie.

SEC. 2. That the General Assembly of North Carolina expresses its appreciation to Kent Cooper, Executive Director of the Associated Press, and Hugh Baillie, President of United Press Association, for their part in these movements.

SEC. 3. That a copy of this Resolution shall be sent to each Senator and Representative from North Carolina in the Congress of the United States. Copies to our Senators and Congressmen.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. R. 552 **RESOLUTION 31**

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR OF NORTH CAROLINA TO APPOINT A SPECIAL COMMISSION TO STUDY THE SITUATION WITH RESPECT TO THE PRODUCTION AND MARKETING OF IRISH POTATOES COMMERCIALLY IN EASTERN NORTH CAROLINA AND REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND FORTY-SEVEN.

WHEREAS, it is apparent that there is a grave danger of losing a substantial part of the acreage planted in Irish potatoes in Eastern North Carolina; and

WHEREAS, there is prevalent a bacterial wilt which is causing a serious loss to the growers of Irish potatoes in this section; and

WHEREAS, it is evident that the growers in the State need to exercise greater care in the harvesting and in the preparation of Irish potatoes for market and to acquire better and more up to date facilities for handling and marketing:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Governor of North Carolina be, and he is hereby, authorized, empowered and requested to appoint a commission to study the problems set out in the preamble to this Resolution. The commission herein authorized shall consist of seven members, one of whom shall be designated by the Governor as chairman of the commission, one representative thereon to be from the section composed of the Counties of Camden, Currituck and Pasquotank, one representative from Tyrrell County, one representative from the section composed of the Counties of Beaufort and Hyde, one representative to be from the section composed of the Counties of Carteret, Craven and Pamlico, one representative to be from the section composed of the Counties of Wayne and Duplin, and one representative to be from Pitt County and one representative of the transportation industry serving the counties named in this section. Requesting Governor to appoint a Commission to study the production of Irish Potatoes in eastern North Carolina.

SEC. 2. That the members of the commission hereby created shall make such investigation as may be necessary to recommend the steps that should be taken to preserve and promote this valuable industry, which is the major cash crop of many growers in Eastern North Carolina, and shall report its findings together with recommendations for any legislation which it considers desirable or necessary to accomplish the purpose for which this commission is created.

To be appointed within 60 days.

SEC. 3. That the members of the commission hereby created shall be appointed within sixty days after the passage of this Resolution to enable them to organize in time to study the marketing of this year's crop.

To serve without pay.

SEC. 4. That the members of the commission hereby created shall serve without pay.

SEC. 5. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. R. 942 RESOLUTION 32

A JOINT RESOLUTION URGING COOPERATION OF THE PEOPLE OF NORTH CAROLINA IN THE PROGRAM FOR THE ORGANIZATION OF THE WOMEN'S ARMY CORPS GENERAL HOSPITAL COMPANIES.

WHEREAS, General George C. Marshall, Chief of Staff, and Major General Frederick E. Uhl, Commanding General of the Fourth Service Command, have requested the Governor of our State and through him all civilians to give the fullest possible support in securing recruits for the Women's Army Corps, with special need at this time for hospital technicians, with the wounded returning in large numbers; and

WHEREAS, a great deal has been accomplished and many recruits in North Carolina have come into the Women's Army Corps; and

WHEREAS, the necessity for such recruits increases with the pressing need for this service:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Urging continued efforts in recruiting WACS.

SECTION 1. That the citizens of our State should continue with increasing effort in assisting with recruiting for the Women's Army Corps, in order that we may not fail our fighting men who have been wounded while they offered their lives for our liberty and our homes.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. R. 969 RESOLUTION 33

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES FOR THE APPROVAL OF APPOINTMENTS TO THE STATE BOARD OF EDUCATION.

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Senate and the House of Representatives meet in Joint Session on Friday, March sixteenth, at twelve-thirty o'clock p. m., in the House Chamber for the purpose of approving appointments to the State Board of Education.

Providing for Joint Session on March 16th to approve appointment to State Board of Education.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, 1945.

H. R. 912 RESOLUTION 34

A JOINT RESOLUTION PROVIDING FOR APPOINTMENT OF COMMISSION TO STUDY THE NEEDS AND FACILITIES FOR MOTOR VEHICLE TRANSPORTATION OF PROPERTY AND TO RECOMMEND APPROPRIATE LEGISLATION TO THE GOVERNOR FOR CONSIDERATION AT THE ONE THOUSAND NINE HUNDRED AND FORTY-SEVEN SESSION OF THE GENERAL ASSEMBLY.

WHEREAS, certain legislation relating to the granting of franchises to a large number of carirers of property has been proposed and considered, the propriety of which under abnormal conditions now existing cannot be determined satisfactorily upon the facts and within the time available at the present Session of the General Assembly; and

WHEREAS, it is the consensus of opinion that a commission should be appointed by the Governor of North Carolina to study the present and prospective needs for motor vehicle transportation of property in the State, the facilities of existing franchise and non-franchise carriers, the adequacy and efficiency of existing service, the adequacy of existing laws and regulations with respect thereto, and file a report with the Governor prior

to the convening of the next Session of the General Assembly with recommendations for such legislation as said commission may find necessary and appropriate to preserve and promote motor carrier service throughout the State, and that pending such study and recommendations, the service now and heretofore rendered during the war emergency by non-franchise carriers of property be permitted to continue without franchise certificates therefor under such rules and regulations as the Utilities Commission may find necessary to meet emergencies and preserve the services and rights of existing carriers, and that pending the present war emergency and the increase and complexity of matters handled by the Utilities Commission incident thereto, the said commission be given such additional help as the Governor may find necessary:

Now, therefore, be it resolved by House of Representatives, the Senate concurring:

Directing Governor to appoint a Commission to study needs and facilities for motor transportation of property.

SECTION 1. That the Governor of the State of North Carolina be, and he is hereby empowered and directed to appoint a commission composed of five members, whose duty shall be to assemble facts and make a study of present and prospective needs for motor vehicle transportation of property in North Carolina, the extent to which existing franchise carriers are now or may hereafter adequately and efficiently meet the transportation needs of the State, their facilities and policies for providing a State-wide transportation system that will meet public demands and needs, the need for additional franchise carriers of the same type over the main arterial highways of the State and between the larger manufacturing and industrial centers, the need for additional types or classes of transportation service over regular or irregular routes, the service and facilities of public carriers now operating in the State without franchise certificates, the public demand and need for such service and the need for regulation with respect thereto, the cost and delay in hearing applications before the Utilities Commission, and such other facts as said commission so appointed may find pertinent and helpful to consider, and to that end it shall have power to demand such reports, books, and records of franchise and non-franchise public carriers as it may require, together with the right to subpoena and examine their officers, agents, servants, and employees with respect thereto.

To submit Report to Governor 30 days before 1947 General Assembly.

SEC. 2. That said commission shall file a report of its findings, conclusions, and recommendations, together with appropriate proposals for legislation to carry out such recommendation, with the Governor of the State of North Carolina not later than thirty days prior to the convening of the Session of the General Assembly of one thousand nine hundred forty-seven.

SEC. 3. That the members of the commission shall be paid seven dollars ($7.00) per day and such necessary travel allowance and expenses as may be approved by the Director of the Budget for their services. Fixing pay for Commission.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. R. 976 **RESOLUTION 35**

A JOINT RESOLUTION ADDRESSED TO THE HONORABLE WALTER MURPHY.

WHEREAS, time passes, blurring our memory of those things which, if duly recorded, become history but if left to memory alone fade into legend or become lost entirely; and

WHEREAS, the proper writing of history requires a nicely balanced blending of the past with the present, a careful merging of all our yesterdays with today, to the end that the finished work may present a living picture of a living people, with the present viewed in the light of the past, and the past preserved in the life of the present; and

WHEREAS, the State of North Carolina is singularly fortunate in having among its living sons a statesman singularly gifted with that rare combination of qualities of mind and spirit which constitute the true historian; and

WHEREAS, it is of the first importance in the recording of the life of a people that the continuity of history be uninterrupted, making it greatly to be desired that the history of our own State go forward in an unbroken line; and

WHEREAS, it is seldom that the man and the occasion are so well met as in our present day and time:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the General Assembly of North Carolina being conscious of his natural abilities, wide experience, and acquired wisdom, respectfully suggests to the Honorable Walter Murphy, of Rowan County, that he undertake the writing of a history of the State of North Carolina, relying not only upon his thorough and extensive knowledge of the record as it now stands, but drawing in great measure upon his own wealth of experience and understanding: For this man may in all modesty say, as the historian of old said of himself, "All this I have seen, and of much of this I have been a part." Suggesting that Walter Murphy write a History of North Carolina.

Copy to Walter Murphy.

SEC. 2. That the Secretary of State is authorized and respectfully requested to transmit a copy of this Joint Resolution, duly authenticated under the Seal of the State of North Carolina, to the Honorable Walter Murphy, with appropriate expressions of regard and affection.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. R. 784 RESOLUTION 36

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR OF NORTH CAROLINA TO ISSUE CERTIFICATES TO FAMILIES OF DECEASED VETERANS OF WORLD WAR II, AND CERTIFICATES OF MERITORIOUS SERVICE TO CERTAIN VETERANS AND FOR OTHER PURPOSES.

WHEREAS, more than three hundred thousand of our men and women from North Carolina have been called to the armed services of our country, many of whom have given and will continue to give their lives on the battle fields of the world; and

WHEREAS, a grateful State should express its appreciation and gratitude to these brave ones for the heroic services rendered by them in all branches of the service:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Authorizing Governor to send a Certificate of Appreciation to all persons of North Carolina, enrolled in the Armed Forces.

SECTION 1. That the Governor of North Carolina be authorized to obtain a list of the names of the men and women, of North Carolina, enrolled in the Armed Forces of the United States, and to send each of them a certificate of appreciation for their services in behalf of our country, this certificate to bear the stamp of the Great Seal of North Carolina, the signature of His Excellency, the Governor of North Carolina, and to set forth such acts of meritorious conduct as the person may be entitled. In cases where the person is deceased, then the certificates shall go to the widow or next of kin, or other person entitled to receive the same in behalf of the deceased veteran.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. R. 824 **RESOLUTION 37**

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR OF THE STATE OF NORTH CAROLINA TO APPOINT A COMMISSION COMPOSED OF FIVE MEMBERS TO INQUIRE INTO THE PROBLEM OF FINANCIAL RESPONSIBILITY, COMPULSORY INSURANCE, OR ANY FEASIBLE METHOD OF COMPENSATION FOR INJURY OR DAMAGE TO PERSONS OR PROPERTY CAUSED BY OPERATORS OF MOTOR VEHICLES ON THE HIGHWAYS OF THE STATE.

Be it resolved by the House of Representatives, the Senate concurring:

Directing Governor to appoint a Commission to study financial responsibility of operators of motor vehicles.

SECTION 1. That the Governor of the State of North Carolina be, and he is hereby, empowered and directed to appoint a commission to be composed of five members, three from the House of Representatives and two from the Senate, for the purpose of studying the problem of providing financial responsibility of operators of motor vehicles on the highways of the State. The said commission, among other things, shall consider and study the present laws of this State governing the operators of motor vehicles and the system or method now in force of providing financial responsibility for operators of motor vehicles on the highways and the present method of compensating persons for personal injuries or damages to property; the commission shall inquire into the systems, plans or laws relating to this problem that may be in force in other states, including compulsory insurance for operators of motor vehicles, the method of providing financial responsibility by the execution and delivery of bonds with sureties, practical methods of administration of such systems or methods, cost of operation and administration, and any and all other phases of problems related to the financial responsibility of operators of motor vehicles on the highways of the State and the protection of the public and benefits that inure from such systems, if any. This commission shall make a detailed report of its findings and shall make such recommendations as to it seems just and proper, which such report and recommendations shall be made to the Governor of the State of North Carolina and to the Session of the General Assembly of one thousand nine hundred and forty-seven.

To submit Report to Governor and next General Assembly.

Commission to receive expenses but no other compensation.

SEC. 2. The members of this commission shall serve without compensation, but shall be allowed actual expenses while engaged in the performance of their duties as hereinbefore set forth.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. R. 941 **RESOLUTION 38**

A JOINT RESOLUTION SUGGESTING THE INCLUSION OF MEMBERS OF OUR ARMED FORCES ON PEACE COMMISSIONS.

WHEREAS, on land and sea and in the air the armed forces of the Allies press on to final victory, so that the thoughts of all the world now turn toward the peace to come; and

WHEREAS, any lasting peace must be founded not on idealism alone but on an idealism strengthened and supported by realism; and

WHEREAS, a first-hand knowledge of war is essential to a practical approach to the problems that follow war for the reason that only those who have themselves borne the brunt of battle can fully appreciate the blessing of peace; and none are so devoted to the cause of peace as those who themselves have felt the full curse of war; and

WHEREAS, it is greatly to be desired that our statesmen in their wisdom should profit by the experience of our fighting men, and that those who write the peace and those who wage the war should move forward in full accord to the consummation of a peace worthy of those who died to assure it:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Declaring that Veterans of the Second World War be represented at the Allied Peace Council.

SECTION 1. That the General Assembly of North Carolina considers it not only essential to the national interest but to the cause of world peace that the Armed Forces of the United States of America be represented at the Allied Peace Council by veterans of this war who by actual combat experience and proven wisdom, courage and leadership are qualified to bring to such council a realistic knowledge of the practical problems involved, to the end that what was won on the field of battle shall not be lost at the council table.

Copy to President.

SEC. 2. That a certified copy of this Resolution, duly authenticated by the Secretary of State, be forwarded to the President of the United States of America in his dual capacity as President and as Commander in Chief of our armed forces, with the respectful request that he give this matter deep consideration and that he exert his unequaled personal and official influence toward the accomplishment of the purposes expressed herein.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. R. 960 **RESOLUTION 39**

A JOINT RESOLUTION EMPOWERING THE GOVERNOR TO APPOINT A SPECIAL COMMISSION FOR THE PURPOSE OF STUDYING THE ADVISABILITY OF ESTABLISHING A SYSTEM FOR THE MECHANICAL INSPECTION OF MOTOR VEHICLES AND THE ADVISABILITY OF REVIEWING THE QUALIFICATIONS OF OPERATORS OF MOTOR VEHICLES AND OF REISSUING OPERATORS' LICENSES TO THOSE FOUND QUALIFIED.

Be it resolved by the House of Representatives, the Senate concurring:

Directing Governor to appoint a Commission to study advisability of establishing a system for mechanical inspection of motor vehicles and reviewing qualifications for drivers.

SECTION 1. That the Governor of North Carolina be, and he hereby is, authorized and directed to appoint a special commission to consist of five members to make a study of the advisability of establishing in this State a system for the mechanical inspection of motor vehicles and also the advisability of reviewing the qualifications of persons now licensed to operate motor vehicles, and of reissuing such licenses to as many of such persons as are found to possess the qualifications prescribed by law for licenses to operate motor vehicles.

To submit Report to Governor on or before July 1, 1946.

SEC. 2. That it shall be the duty of such commission to investigate the need for and advisability of such measures, and to examine the laws of other states relating to such measures in order that consideration may be given as to the proper form for legislation on such measures in this State should be commission recommend such legislation. The commission shall make a report of its findings and recommendations to the Governor and Advisory Budget Commission on or before the first day of July, one thousand nine hundred and forty-six, in order that the Governor and Advisory Budget Commission may, if they think it advisable, recommend to the General Assembly of one thousand nine hundred and forty-seven the adoption of any legislation suggested by the commission.

Fixing compensation of Commission.

SEC. 3. Members of the commission shall be paid seven dollars per day for actual attendance upon meetings of the commission or for actual attendance in investigations conducted by the commission, and shall also receive necessary travel expenses, to be paid out of the Contingency and Emergency Fund.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. R. 979 **RESOLUTION 40**

A JOINT RESOLUTION EMPOWERING THE GOVERNOR TO APPOINT A SPECIAL COMMISSION COMPOSED OF FIVE CITIZENS OF THE STATE FOR THE PURPOSE OF STUDYING A BUILDING PROGRAM FOR THE STATE AND ALLOCATING SPACE TO STATE CONSTITUTIONAL OFFICERS.

WHEREAS, the State Capitol is now housing in part the activities of the State Auditor, State Treasurer, and Secretary of State as well as the Governor and Legislative Bodies, which has resulted during this Legislative Session in great congestion and made it increasingly difficult to carry on the business of the State; and

WHEREAS, among many members of the General Assembly the opinion exists that consideration should be given to a plan of providing a new building or buildings for the purpose of housing the activities of the State Auditor, State Treasurer, and Secretary of State so as to leave all of the space in the State Capitol for the occupancy of the Governor and the Legislature and the public using the Capitol during the legislative sessions, or that some new building should be built for the purpose of providing, outside the Capitol building, new legislative halls for the Senate and House of Representatives and offices connected with the Legislature; and

WHEREAS, consideration should be given to acquisition or construction of a State building to house the State Museum, Art Gallery, Historical Commission and other agencies and departments of the State; and

WHEREAS, the proposition considered involves many phases which should be carefully studied by a commission set up for such purposes and a report given to the next General Assembly for its information and guidance:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Directing Governor to appoint a Commission to study building program for State.

SECTION 1. That the Governor of North Carolina is hereby authorized, empowered, and requested to appoint a commission to be composed of five citizens of this State to be selected according to the judgment and discretion of the Governor, for the purpose of making a study of the needs of the State with reference to the matters set out in the preamble to this Resolution. The commission is authorized and empowered to call upon any architect or engineer or engineers in the State employ for recommendations and advice with reference to any plans considered and to secure an option or options on any property considered desirable for the purposes recommended by the commission

and to make all such findings and recommendations as to the commission may seem proper and appropriate.

SEC. 2. The members of the commission shall serve without compensation, but in attending meetings of the commission the members shall be paid such actual necessary expenses as may be incurred in travel and subsistence while attending such meetings, and in addition thereto and under the direction and advice of the Governor, the members of the commission shall be paid actual necessary expenses and subsistence as may be incurred in travel for the purposes of studying and inspecting the plans and systems of other governmental units, such amounts in all cases to be paid from the Contingency and Emergency Fund.

Commission to receive expenses but no other compensation.

SEC. 3. All laws and clauses of laws in conflict with this Resolution are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

H. R. 982 RESOLUTION 41

A JOINT RESOLUTION EXPRESSING APPRECIATION OF THE GENERAL ASSEMBLY FOR SERVICES RENDERED BY THE INSTITUTE OF GOVERNMENT.

WHEREAS, the services rendered by the Legislative Staff of the Institute of Government, a division of the University of North Carolina, in analysis of bills, preparation of pending calendars, daily report of calendar action and other assistance to Legislators has been of great value to members of the General Assembly and to interested citizens throughout the State:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the General Assembly of North Carolina express its sincere appreciation to the Trustees and Faculty of the University of North Carolina, to the Division of the Institute of Government, and to members of its Legislative Staff, for the valuable assistance rendered by them to members of the General Assembly in the conduct of its business.

Expressing appreciation for legislative services rendered by Institute of Government of University of North Carolina.

SEC. 2. That this Resolution shall be in full force and effect on and after its ratification.

Ratified this the 20th day of March, 1945.

H. R. 983 **RESOLUTION 42**

A RESOLUTION TO HONOR THE MEMORY OF GENERAL JULIAN S. CARR ON THE CENTENNIAL OF HIS BIRTH.

WHEREAS, October twelfth next is the one hundredth anniversary of the birth of one of North Carolina's greatest sons, Julian Shakespere Carr: Born into an humble yet thrifty, God fearing home, by the industry and energy of his mind he attained distinction as a Confederate soldier (at whose hands later he received all the honors that could be bestowed by the State and National organizations of the veterans of "The Stars and Bars") and was renowned in other walks of life.

After a limited attendance at the University of North Carolina he entered upon a business career, composed of manufacturing, investment, agriculture and banking. At the peak of his career, General Carr was the State's greatest business man, measured by the past and those of his day. He was president or a leading spirit in nearly forty corporations promoting the business, civic and intellectual interests of the community, centering around Durham and extending throughout the State.

As a philanthropist, General Carr was not surpassed by any other citizen of his time. His benefactions running the gamut from personal contributions to munificient sums to orphanages, the University of North Carolina and Trinity College: A large building was erected at Chapel Hill; and at Trinity College he provided funds for operating it several years, provided a site and money for the college to move to Durham. He made substantial contributions to our effort in the Spanish-American War; was a leader in support of the Democratic Party and the Methodist Church, with all he was as has been competently observed "a golden hearted" citizen:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Endorsing movement to honor General Julian S. Carr.

SECTION 1. That the North Carolina General Assembly of one thousand nine hundred and forty-five endorses the movement to honor Julian S. Carr's memory on the centennial of his birth.

Appointing Committee to represent General Assembly at Carr's Centennial Celebration.

SEC. 2. That the Speaker of the House is hereby authorized and directed to appoint three members who, with two members to be appointed by the Presiding Officer of the Senate (and he is hereby authorized and directed to appoint them) shall constitute a delegation to represent the General Assembly of the State of North Carolina at such exercises as may be held in connection with this centennial.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, 1945.

S. R. 355 RESOLUTION 43

A JOINT RESOLUTION TO PROVIDE FOR A COMMISSION TO STUDY THE LAWS OF THE STATE RELATING TO DOMESTIC RELATIONS.

WHEREAS, abnormal conditions attendant upon the war have brought about changes in the home and community life of the State which, in many instances, have proved detrimental to the moral welfare of the youth involved, resulting in an alarming increase in delinquency; and

WHEREAS, numbers of North Carolina youth caught in the spirit of uncertainty and unrest have imprudently entered into hasty marriages upon short acquaintance; and

WHEREAS, many children have been and will be born during the war years, some out of wedlock, which, for various reasons, will be available for adoption, and whose rights in general should be protected by adequate laws; and

WHEREAS, all of the above and kindred domestic marital and social relations will need adequate and effective legal adjustments during the course of the war and after:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Creating Commission to study laws relating to domestic relations.

SECTION 1. A commission on domestic relations laws is hereby created. The commission shall consist of the Attorney General, the Commissioner of Public Welfare, one person to be appointed by the Governor from the clerks of the superior courts and four persons to be appointed by the Governor with regard to their knowledge and appreciation of the social and legal problems growing out of domestic relations. The commission shall elect a chairman at its first meeting. All vacancies occurring in the commission shall be filled by the Governor.

Commission for Special Purpose.

SEC. 2. The commission shall be deemed a "commission for special purpose" within the meaning of Article XIV, Section seven, of the North Carolina Constitution.

To submit Report to Governor and 1947 General Assembly.

SEC. 3. It shall be the duty of the commission to make a thorough study of the domestic relations laws of North Carolina, with particular reference to the laws relating to adoption of minors, bastardy, divorce and alimony, marriage, married women, guardian and ward, annulment, juvenile and domestic re-

lations courts. The commission shall make a report of its activities and recommendations for the improvement of the laws enumerated above to the Governor and General Assembly of one thousand nine hundred and forty-seven.

To serve until January 1, 1947.

SEC. 4. The term of service of the commission herein provided for shall continue until January first, one thousand nine hundred and forty-seven.

Commission to receive actual expenses but no other compensation.

SEC. 5. Members of the commission shall serve without compensation but shall be allowed necessary maintenance and travel expenses to be paid out of the Contingency and Emergency Fund.

SEC. 6. This Resolution shall be in full force and effect from and after the adjournment of the present General Assembly.

Ratified this the 21st day of March, 1945.

S. R. 447 RESOLUTION 44

A JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA ON THE POSTWAR MILITARY ESTABLISHMENT AND THE STATUS OF THE NATIONAL GUARD.

WHEREAS, the States and Territories of the Union are jointly interested with the National Government, in the Postwar Military Policy to be established by the Congress, based upon the "Military Clauses" and the "Army Clauses" of the Constitution, thereby directly affecting the Military Establishments of the respective states in their relationship to the State Forces of the Army of the United States; and

WHEREAS, certain ones of the many plans and suggestions offered have been presented to the Congress:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Urging Congress to retain National Guard, Officers' Reserve Corps and Organized Reserve.

SECTION 1. That the Congress is respectfully petitioned to preserve, in the Postwar Military Organization, the civilian components of the Army of the United States; specifically the National Guard, the Officers' Reserve Corps, and the Organized Reserves, in line with the provisions of the National Defense Act of one thousand nine hundred and sixteen, as amended, and especially the provisions of the Selective Training and Service Act of one thousand nine hundred and forty, relating to the status of the National Guard as an integral part of the first line of defense of our nation.

The National Guard and Organized Reserves have made a glorious contribution to the nation, on the battle fields of World War II. Their record in World War I was outstanding. Such

contributions are justification to the Congress in providing for the continuance of the National Guard and Reserves as first line components of the Army of the United States.

SEC. 2. That we fully subscribe to and endorse the position taken by the Secretary of War, as to the future status of the National Guard, as announced on November twenty-third, one thousand nine hundred and forty-four, in which he states:

"It would be the mission of this reserve component (the National Guard), in the event of a national emergency, to furnish units fit for service anywhere in the world.—

"This conception of the mission of the National Guard of the United States would interfere in no way with the traditional mission of the National Guard of the States and Territories to provide sufficient organizations in each State, Territory and the District of Columbia, so trained and equipped as to enable them to function efficiently at existing strength in the protection of life and property and the preservation of peace, order and public safety, under competent orders of the State authorities.

"—National Guard units have played a vital role in the mobilization of our present army and they have made a brilliant record on every fighting front. We are counting on them as a bulwark of our future national security."

We also approve and endorse the statement of General George Marshall, Chief of Staff of the Army of the United States, set forth in War Department Circular Number three hundred and forty-seven, August twenty-fifth, one thousand nine hundred and forty-four, to the effect that the Postwar Military Establishment should consist of a professional peacetime army (no larger than necessary to meet normal peacetime requirements) to be reinforced in time of emergency by organized units drawn from the civilian components of the Army of the United States.

Relating to universal military training.

SEC. 3. That we advocate, in the event that a system of universal military training be included in the Postwar Plan for the Military Establishment, that such training be integrated with the Civilian Components of the Army and specifically the National Guard, the Officers' Reserve Corps and the Organized Reserves.

Veterans of Second World War should have voice in determining our Postwar Military Policy.

SEC. 4. That in the discussion of the Postwar Military Policy and the form of the Military Establishment, the fullest opportunity, consistent with existing conditions, be accorded the officers and men of all components of the Army, who are or who have been serving with the armed forces in time of war, to express their views on this most important matter to the end that this nation will adopt a sound military policy consistent with

our traditions and which will afford the utmost security to the nation.

SEC. 5. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. R. 448 **RESOLUTION 45**

A JOINT RESOLUTION CONCERNING LIEUTENANT EMERSON T. (CURLY) SANDERS, UNITED STATES NAVAL RESERVE, FORMER MEMBER OF THE NORTH CAROLINA STATE SENATE.

WHEREAS, it has come to the attention of the General Assembly of North Carolina that Lieutenant Emerson T. (Curly) Sanders, United States Naval Reserve, has for some time been a patient in the Naval Hospital at Jacksonville, Florida; and

WHEREAS, Lieutenant Sanders served as a member of the North Carolina Senate with distinction and honor from the Sixteenth Senatorial District for the Sessions of one thousand nine hundred and thirty-seven, one thousand nine hundred and forty-one and one thousand nine hundred and forty-three; and

WHEREAS, the General Assembly is grateful for the fine service rendered by former Senator Sanders to his State and is appreciative of his worth as a citizen; and

WHEREAS, it is the desire of the General Assembly to express to Lieutenant Sanders its best wishes and hope for him an early recovery:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Expressing sympathy for Lt. E. T. Sanders.

SECTION 1. That the General Assembly of North Carolina hereby extends to Lieutenant Sanders, United States Naval Reserve, a former member of the North Carolina State Senate, its sincere sympathy during the days of his illness and wishes for him a speedy recovery that he may again assume his position of usefulness in the United States Military Service and in the civic and political life of the State.

Copy to Lt. Sanders.

SEC. 2. That a copy of this Resolution be sent to Lieutenant Emerson T. Sanders, United States Naval Hospital, C-5, Jacksonville, Florida, and that a copy be spread upon the records of the General Assembly.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. R. 449 RESOLUTION 46

A JOINT RESOLUTION COMMENDING ATTORNEY GENERAL HARRY McMULLAN AND HIS ENTIRE STAFF FOR ASSISTANCE RENDERED THE MEMBERSHIP OF THE ONE THOUSAND NINE HUNDRED AND FORTY-FIVE GENERAL ASSEMBLY.

WHEREAS, the drafting of bills requires a high degree of technical knowledge and skill; and

WHEREAS, Harry McMullan, Attorney General of the State of North Carolina, and his staff of assistants and secretaries have been most cooperative with the members of this General Assembly in the preparation of bills and have rendered valuable assistance to the members of this General Assembly:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Expressing appreciation to Attorney General and Staff for aid in legislative matters.

SECTION 1. That we do express to the said Harry McMullan, Attorney General of the State of North Carolina, W. J. Adams, Jr., Hughes J. Rhodes and Ralph Moody, Assistant Attorneys General, and members of the legal staff, J. E. Tucker, J. Bourke Bilisoly, Clifton Beckwith and Mrs. Graham F. Trott; and the secretarial force, Mrs. Margaret York Wilson, Lillian Turner, Mrs. Warren J. Mann, Effie McLean English, Marjorie Mann and Mrs. John C. Pounds, Jr., our deep, sincere, and grateful appreciation for their cordial, generous, and efficient services and assistance rendered to the members of the General Assembly of one thousand nine hundred and forty-five in the preparation and drafting of bills, and otherwise.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

S. R. 450 RESOLUTION 47

A JOINT RESOLUTION CONCERNING THE DEATH AND SERVICES OF HONORABLE JOHN G. CLARK OF NEWLIN TOWNSHIP, ALAMANCE COUNTY.

WHEREAS, Honorable John G. Clark of Newlin Township, Alamance County, served for a number of years on the staff of the Sergeant at Arms of both the Senate and the House of Representatives with credit and honor to himself and the State; and

WHEREAS, the said Honorable John G. Clark has contributed much to the success and development of his community and the State; and he has served in various positions in the official life of his county and in particular having served for over fifty (50) years as a registrar in his township:

Now, therefore, be it resolved, by the Senate, the House of Representatives concurring:

Relating to John G. Clark.

SECTION 1. That in the death of Honorable John G. Clark, not only the Legislative Branch of the Government, but the State of North Carolina and a host of its citizens have experienced a loss and are now overwhelmed in sorrow at the termination of such services.

SEC. 2. The General Assembly of North Carolina does hereby express its highest appreciation of him as a citizen and servant of the State and express its sympathy to his wife in the loss of a devoted husband and to his children in the loss of a loving father.

Copy to Clark's family.

SEC. 3. Be it further resolved that a copy of this Resolution be furnished to his devoted wife and members of his family at Snow Camp, R. F. D., North Carolina.

Ratified this the 21st day of March, 1945.

H. R. 825 RESOLUTION 48

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR OF NORTH CAROLINA TO APPOINT A SPECIAL COMMISSION TO STUDY THE CONDITIONS WITH RESPECT TO THE CULTIVATION AND MARKETING OF OYSTERS AND CLAMS IN EASTERN NORTH CAROLINA AND REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND FORTY-SEVEN.

WHEREAS, the cultivation of oyster and clam beds offers one of the most promising opportunities for the development of Eastern North Carolina and increasing the sources of income for the citizens thereof; and

WHEREAS, it is possible that more than one million acres of sound bottoms of said section are capable of producing oysters and clams; and

WHEREAS, in so far as it is compatible with the development of the industry that the interest of the small individual oyster cultivators be preserved:

Now, therefore, be it resolved, by the House of Representatives, the Senate concurring:

Requesting Governor to appoint a Commission to study clam and oyster cultivation.

SECTION 1. That the Governor of North Carolina be, and he is hereby, authorized, empowered, and requested to appoint a commission to study the problems of oyster and claim cultivation, to consist of a representative from each of the oyster and clam producing counties of the State, and designate one of said members as chairman.

Commission to be appointed in 60 days and to serve without pay.

SEC. 2. That said commission shall make such study and investigation as may be necessary to recommend the steps to be taken to preserve and promote the oyster and clam industry in Eastern North Carolina, and report its findings to the next regular Session of the General Assembly. That said commission shall be appointed within sixty (60) days after the adjournment of the present Session of the General Assembly and to serve without pay or expense to the State of North Carolina.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. R. 861 RESOLUTION 49

A JOINT RESOLUTION AUTHORIZING THE STATE BOARD OF EDUCATION TO APPOINT FIVE OF ITS MEMBERS TO MAKE A SPECIAL STUDY OF THE SCHOOL BUILDING PROBLEM IN THIS STATE AND MAKE RECOMMENDATIONS TO THE NEXT GENERAL ASSEMBLY.

WHEREAS, the State is committed to a policy of equal educational opportunity to all of the children of the State; and

WHEREAS, the Constitution recognizes education as a State function; and

WHEREAS, by reason of inadequate maintenance due to lack of sufficient appropriations made, many school buildings throughout the State are in a dilapidated condition and insufficient to properly house the school children attending the same; and

WHEREAS, many school buildings have been destroyed by fire and the insurance available has been insufficient to restore the buildings to the type and size required to provide for the children attending such schools; and

WHEREAS, there are many other problems affecting schools in connection with providing adequate school buildings throughout the State that require careful study and consideration and

a further definition of State policy with regard thereto: Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

Directing State Board of Education to appoint 5 of its members to study school building problems and to make Report to next General Assembly.

SECTION 1. That the State Board of Education shall appoint five of its members as a special committee to make careful investigation and study of the situation throughout the State, with reference to the school buildings provided for the use of the children, with a view of reporting back to the full State Board of Education their findings and recommendations as to what program should be presented to the next General Assembly for consideration as to the State policy with reference thereto, and with a view of providing for a more uniform educational opportunity throughout the State. Such special committee is authorized to visit such sections of the State as may be deemed necessary to collect all of the facts with reference to the school building situation throughout the State and with reference to the ability of the counties to provide adequate and sufficient buildings therefor necessary to the health and welfare of the children attending such schools. The said committee shall consider whether or not the State shall further extend its policy of making loans for school building purposes; whether or not grants in aid thereof should be made in order to equalize educational opportunities, and all other matters and things which may affect the State and the counties in connection with such problem. The State Board of Education, after having received the report of said committee, shall make its recommendations and findings to the Governor to be presented to the next General Assembly.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. R. 963 **RESOLUTION 50**

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE SECRETARY OF STATE TO HAVE PRINTED FIVE THOUSAND COPIES OF CHAPTER THREE HUNDRED AND FIFTY-EIGHT, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED BY THE GENERAL ASSEMBLIES OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE AND ONE THOUSAND NINE HUNDRED AND FORTY-THREE, AND AS FURTHER AMENDED BY HOUSE BILL FIVE HUNDRED AND FIFTY-SEVEN KNOWN AS A BILL "TO AMEND THE SCHOOL MACHINERY ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AND OTHER PARTS OF THE SCHOOL LAW," INCLUDING OTHER PUBLIC SCHOOL LAWS ENACTED BY THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND FORTY-FIVE, AND PROVIDING THAT THE DISTRIBUTION THEREOF BE UNDER THE DIRECTION OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION.

Resolved by the House of Representatives, the Senate concurring:

Directing printing 2500 copies of school laws.

SECTION 1. That the Secretary of State be, and he is hereby authorized and directed to have printed twenty-five hundred copies of Chapter three hundred and fifty-eight, Public Laws of one thousand nine hundred and thirty-nine, as amended by the General Assemblies of one thousand nine hundred and forty-one and one thousand nine hundred and forty-three, and as further amended by House Bill five hundred and fifty-seven, known as a bill "To Amend the School Machinery Act of 1939, and Other Parts of the School Law," as enacted into law including other public school laws enacted by the General Assembly of one thousand nine hundred and forty-five, and to be distributed by the State Superintendent of Public Instruction and the State Board of Education.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. R. 989 **RESOLUTION 51**

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO STUDY THE ADVISABILITY OF PURCHASING LAKE TAHOMA IN McDOWELL COUNTY.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Authorizing Governor to appoint a Commission to study possibility of purchasing Lake Tahoma as a State Park to report to next General Assembly.

SECTION 1. That the Governor is hereby authorized and empowered to appoint a commission, to be composed of five persons, to study the feasibility and advisability of the purchase of Lake Tahoma in McDowell County by the State for the purpose of establishing a State park. The commission shall report to the next regular Session of the General Assembly its findings and recommendations concerning the purchase of this approximately three thousand acre tract of land.

SEC. 2. That this Resolution shall be in force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. R. 995 **RESOLUTION 52**

A JOINT RESOLUTION SUPPORTING THE REQUEST OF WAR MOBILIZATION DIRECTOR, JAMES F. BYRNES, ESTABLISHING THE CURFEW HOUR FOR PLACES OF AMUSEMENT THROUGHOUT THE NATION.

WHEREAS, War Mobilization Director, James F. Byrnes, has established a midnight curfew on places of entertainment and amusement, in the interest of the war effort; and

WHEREAS, in one important instance there has been a defiance of the request of Director Byrnes; and

WHEREAS, Director Byrnes has appealed to the nation to support his request on patriotic grounds, admitting that he does not have the legal authority to enforce it; and

WHEREAS, such request has the full approval of the President of the United States:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Commending J. F. Byrnes, War Mobilization Director, for fixing midnight curfew on amusements.

SECTION 1. That the action of War Mobilization Director, James F. Byrnes, is entitled to the full support and approval of the people of North Carolina, and all other patriotic people throughout the United States, as a very small contribution to

the war effort compared to the sacrifices demanded of our men in service.

SEC. 2. That copies of this Resolution, duly certified by the Secretary of State, shall be sent to the President of the United States and to War Mobilization Director, James F. Byrnes.

Copies to President and Director Byrnes.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 21st day of March, 1945.

H. R. 1000 **RESOLUTION 53**

A JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA PROVIDING FOR ADJOURNMENT ON WEDNESDAY, MARCH TWENTY-FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That both the Senate and House of Representatives, constituting the General Assembly of one thousand nine hundred and forty-five, do adjourn sine die on Wednesday, March twenty-first, one thousand nine hundred and forty-five, at twelve o'clock noon, and that when the Senate and House of Representatives do adjourn sine die it adjourn sine die in honor of the memory of Lieutenant A. C. Reynolds, Junior, former member of the House of Representatives from Buncombe County.

Providing for adjournment sine die on March 21, 1945.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Resolution shall be in force and effect from and after its ratification.

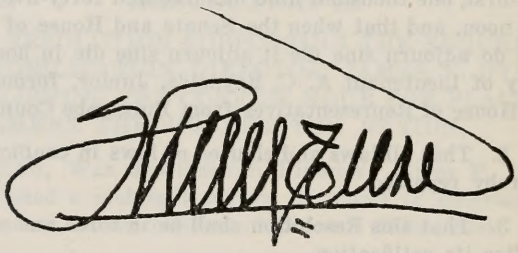
Ratified this the 21st day of March, 1945.

STATE OF NORTH CAROLINA

DEPARTMENT OF STATE

APRIL 2, 1945

I, THAD EURE, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.



Secretary of State

INDEX TO SESSION LAWS

NUMERICAL INDEX OF SENATE AND HOUSE BILLS

HOUSE BILLS—SESSION, 1945

H. B.	*Chapter*	*H. B.*	*Chapter*	*H. B.*	*Chapter*
2	2	51	61	95	1028
3	634	52	31	96	824
4	3	53	32	100	85
5	10	54	33	101	126
6	37	55	73	102	280
7	122	56	959	103	572
8	58	57	62	104	70
9	15	58	216	105	71
10	11	59	157	106	52
11	279	60	158	107	75
12	708	61	217	108	76
14	12	62	159	109	77
15	13	63	160	110	78
16	38	64	161	111	79
17	39	65	635	112	825
18	16	66	520	113	826
19	17	67	162	114	521
20	18	68	48	115	53
22	40	69	63	116	99
23	19	70	49	117	187
26	20	71	41	118	204
27	46	73	636	119	218
28	140	74	64	120	219
29	326	75	65	122	220
30	21	76	66	123	522
31	571	77	823	127	127
32	23	78	96	128	188
33	425	79	141	129	128
34	24	80	123	130	281
35	25	81	97	131	100
36	26	82	50	132	479
37	27	83	124	134	142
38	28	84	51	135	426
41	822	85	67	139	827
42	203	87	960	138	387
43	59	88	68	141	129
46	29	90	186	142	101
47	30	91	74	143	523
48	60	92	69	145	327
49	47	93	98	147	102
50	185	94	125	148	103

H. B.	Chapter
149	104
150	105
151	80
153	637
154	147
155	130
160	1029
161	247
162	163
163	248
167	106
168	828
169	249
170	131
171	189
173	132
175	961
176	282
177	283
178	143
179	133
180	148
181	107
182	573
183	524
184	134
185	221
187	284
188	108
189	164
190	109
191	110
192	135
193	111
194	205
196	149
197	112
198	150
199	113
200	709
201	222
202	151
204	328
205	152
206	710
208	153
209	329
210	136
211	114
212	206
214	300
215	137
227	165
229	829
230	190
231	166
232	285
233	154
234	711
235	167
236	168
237	169
240	207
242	250
243	208
244	191
245	192
246	170
247	574
248	155
249	301
250	193
251	194
252	138
253	251
254	261
255	171
256	286
257	209
258	963
260	525
262	712
263	287
264	172
265	173
266	174
267	830
268	175
269	176
270	638
272	427
273	177
275	526
276	178
277	964
279	179
280	330
281	223
282	180
283	713
284	831
285	288
288	195
289	832
292	181
293	331
294	252
295	262
296	928
298	575
299	576
300	527
301	833
302	156
303	834
304	388
305	289
306	714
307	224
308	225
309	965
310	226
311	253
312	639
313	332
316	528
317	494
318	577
319	495
321	1030
324	290
325	835
326	227
327	263
328	529
329	302
330	715
331	228
333	333
334	578
336	264

H. B.	Chapter	H. B.	Chapter	H. B.	Chapter
337	265	392	719	446	308
338	266	393	296	447	309
339	267	394	345	448	359
341	229	395	346	450	497
342	334	397	347	452	967
343	335	398	838	454	532
344	230	399	414	455	360
345	579	401	720	456	645
346	640	402	238	457	533
347	231	403	270	458	361
348	268	404	271	459	480
349	580	405	257	460	310
350	641	406	304	461	362
353	336	407	966	462	311
354	337	408	930	463	646
356	338	409	721	464	724
357	716	410	348	465	725
358	291	412	349	467	312
359	292	413	350	468	363
360	642	414	581	469	647
361	254	415	530	470	391
362	232	416	239	471	726
363	428	417	351	472	727
364	269	418	1032	473	534
365	717	419	352	475	364
366	836	420	531	476	415
368	303	421	240	477	840
370	255	422	582	478	968
371	837	424	297	479	583
373	233	425	241	481	841
374	234	426	389	483	365
375	339	427	353	484	1033
376	340	428	354	485	313
377	293	429	298	486	314
378	718	430	722	488	648
379	256	432	496	491	649
380	294	433	644	492	366
381	341	434	355	493	650
382	235	435	356	494	651
383	643	436	723	495	367
384	295	437	429	496	652
385	236	438	305	497	368
386	342	440	839	498	653
387	343	441	357	499	369
388	237	442	358	500	370
389	929	443	390	501	430
390	1031	444	306	502	431
391	344	445	307	503	432

H. B.	Chapter
504	371
505	315
506	316
507	584
511	654
512	728
513	372
514	729
515	730
516	731
519	373
520	374
523	655
524	433
525	434
526	535
527	969
528	481
530	498
531	482
532	392
533	393
534	435
535	483
536	436
537	585
539	394
540	1034
541	536
542	437
543	438
544	499
545	439
546	440
547	484
548	537
549	395
550	538
551	485
553	656
555	441
556	539
557	970
558	396
559	442
560	443
561	375
562	657
563	376
564	658
565	842
566	397
567	444
569	971
570	398
575	586
577	659
579	587
580	399
581	660
582	843
583	486
584	487
585	588
586	661
587	662
588	663
589	445
591	664
592	540
594	1096
595	500
597	732
599	665
600	400
601	666
602	667
603	541
604	733
605	446
606	734
607	735
608	668
609	589
611	542
613	590
614	1035
615	543
616	488
617	544
618	501
619	545
620	546
621	547
622	447
623	548
625	591
626	549
627	592
628	550
629	551
630	669
632	448
633	670
634	844
635	449
636	931
637	450
640	736
641	845
642	593
643	489
644	594
645	846
646	1036
647	847
649	451
650	595
651	737
652	932
653	738
654	671
656	452
657	596
659	453
660	1037
661	1038
663	454
664	597
665	1039
666	552
667	553
668	554
670	848
671	502
672	598
673	455
674	672
675	739
676	599
677	456
678	673
679	600
681	555

H. B.	Chapter
684	674
685	556
686	601
688	675
689	676
690	677
691	557
692	503
693	740
694	602
695	741
696	603
697	604
698	849
699	678
700	679
701	680
703	681
704	558
706	559
707	850
708	851
709	852
711	1040
712	1041
713	972
714	853
715	742
716	854
717	682
718	855
719	560
720	561
721	1042
722	683
724	933
725	605
726	856
727	606
729	857
731	973
732	974
733	416
734	743
735	858
736	607
737	975
738	684
740	859
741	860
742	861
743	744
744	608
745	1043
746	862
747	745
748	609
749	685
750	863
751	1044
753	746
755	934
756	864
757	686
758	976
759	687
760	865
761	1045
762	1046
763	1047
764	866
765	1048
766	747
767	867
768	868
769	869
770	688
772	610
773	870
774	611
775	612
776	871
777	613
778	977
779	689
780	690
782	872
783	1049
786	1050
787	614
788	978
789	935
790	936
791	748
792	691
793	692
795	873
796	874
797	749
798	875
799	750
800	693
801	751
803	979
804	876
805	694
808	1051
810	980
811	752
813	877
815	753
816	1097
818	937
819	1102
820	878
821	879
822	880
823	695
826	981
828	1052
829	881
831	882
832	883
833	884
834	885
835	982
836	886
837	887
838	888
839	889
840	696
841	890
842	983
846	984
848	891
850	697
851	892
852	985
853	893
855	894
856	895
857	1053
859	1054
860	938

H. B.	*Chapter*
862	939
864	1055
865	940
866	986
868	896
869	897
870	898
871	899
872	900
873	987
875	901
876	902
877	903
878	904
879	905
880	988
882	906
884	941
885	1056
886	1057
887	1058
889	1059
891	989
892	1060
893	907
894	908
896	990
897	991
898	1061
900	909
901	910
902	992
903	1062
904	942
905	943
906	993
908	911
914	1098
915	994
916	944
917	912
918	945
919	1099
920	1063
921	913
923	946
924	995
925	1064
926	996
927	914
928	997
929	915
930	998
931	999
933	916
934	917
935	1000
936	918
937	919
938	920
940	921
943	1065
944	1066
946	947
947	1101
948	1067
949	1068
950	948
951	1001
952	949
953	1002
955	1069
956	1070
957	1071
958	1072
962	950
964	922
965	951
967	1073
968	1074
970	1075
971	1076
972	1077
973	923
974	1078
975	1079
977	1080
978	1081
980	1082
985	1083
986	1084
987	1003
990	1085
991	1086
992	1087
993	1088
994	1089
996	1090
997	1091
998	1092
999	1103

SENATE BILLS—SESSION, 1945

S. B.	Chapter	S. B.	Chapter	S. B.	Chapter
1	1	80	198	152	563
3	634	81	36	153	317
7	4	82	92	154	460
8	86	83	139	155	318
9	87	86	84	156	244
13	7	87	562	157	402
14	34	88	183	158	403
15	88	89	118	159	404
16	14	90	184	161	258
17	22	91	615	162	276
18	8	92	273	163	277
19	89	93	93	164	245
20	272	94	94	166	461
22	5	97	95	170	925
24	9	100	119	171	211
27	6	101	120	172	212
30	35	102	145	173	462
34	42	103	377	174	1007
36	72	104	378	176	213
37	1004	105	458	177	319
38	81	106	379	178	504
41	144	107	380	179	952
44	43	108	381	180	214
46	698	109	382	181	202
47	182	110	383	183	215
48	196	111	384	184	278
49	54	112	385	185	463
50	115	113	386	187	758
51	44	114	199	188	464
52	55	115	121	189	701
53	401	121	699	190	564
54	1005	122	242	191	759
57	56	123	200	192	246
61	45	130	755	194	417
62	90	131	243	196	1008
63	754	132	210	197	565
66	116	134	756	198	505
71	91	138	274	199	465
72	457	139	275	200	760
73	82	140	757	202	146
74	83	142	201	204	320
75	197	143	924	206	761
76	117	146	700	207	321
77	57	147	1006	210	322
79	490	148	459	211	491

S. B.	Chapter	S. B.	Chapter	S. B.	Chapter
212	259	266	512	333	622
213	418	267	471	335	623
214	323	269	472	336	624
217	566	273	492	337	625
218	405	274	778	338	626
219	299	275	473	340	627
220	324	277	779	341	628
221	325	279	513	342	570
222	506	280	514	347	792
223	466	281	515	348	704
224	616	282	474	350	793
225	762	285	617	351	629
226	763	286	567	253	794
227	764	287	703	354	1009
228	406	288	475	356	795
229	407	289	476	357	705
230	765	290	419	359	1027
231	702	291	477	360	796
232	766	292	516	361	630
233	962	294	517	362	797
234	408	295	478	363	798
235	409	298	780	365	926
236	507	299	420	366	927
237	260	301	421	367	799
238	508	302	422	368	1100
239	467	303	423	371	631
240	767	304	781	372	632
241	768	306	424	375	800
243	468	307	518	376	706
245	769	308	782	377	801
246	509	311	783	378	1010
247	410	313	618	381	802
248	469	314	784	382	803
251	510	315	568	383	804
252	770	316	785	384	805
253	771	317	786	385	806
254	411	318	787	386	1011
255	772	320	788	393	807
256	773	321	619	394	808
257	705	322	519	396	1012
258	774	323	789	398	633
259	775	324	620	399	954
260	412	325	569	400	955
261	511	326	493	401	1013
262	413	328	953	403	809
263	776	329	621	406	707
264	777	330	790	407	810
265	470	332	791	408	956

S. B.	Chapter
409	811
411	812
412	813
413	814
414	815
415	816
421	817
422	818
423	957
424	819
427	1014
428	1015
431	1093
432	1016
433	1017
434	820
435	821
436	1018
437	1019
438	1094
439	958
440	1020
442	1021
445	1022
446	1023
451	1024
452	1025
453	1026
454	1095

INDEX TO 1945 SESSION LAWS

A

Page

Aberdeen:

Authorizing adjustment of certain taxes and validating certain prior adjustments 852-3

Making applicable to Town the provisions of Chapter 526 of 1945 Session, relating to Retirement System 1055

Abrams, R. G.

Relating to damages caused by School Bus 1031

Absentee Voting:

Armed Forces, relating to 1065-7

Ballots issued by members of County Boards of Elections other than Chairmen 1299

Accounts Receivable:

Assignment, lien, etc. 220-4

Acknowledgments:

Before certain Army and Navy Officers, Authorized 11

By married women 84-92

By proof of attested writing 88

By proof of unattested writing 88-9

Form of acknowledgment 89-90

Validating acknowledgments before certain Notaries 161

Validating acknowledgment, probate and registration of certain instruments 1115-6

Administration—See Estates; see Executors and Administrators.

Page

Administrators—See Executors and Administrators.

Adoption of Children:

Relating to new birth certificate and change in name 166

Adverse Possession:

Relating to limitations when ownership of surface and subsurface rights are separate 1182-3

Advertising:

Carolina Beach—Providing referendum on special tax to advertise Town 1291-2

Dare County—Authorizing certain expenditures for 607

Durham—Authorizing appropriations for 282

Shelby—Authorizing appropriation for advertising City 1120-1

Aeronautics:

Aeronautics Act of 1945 675-87

Amending Act of 1945, regarding condemnation proceedings 1117

Asheboro and Randolph County—Authorizing joint airport 655-8

Brevard—Authorizing Brevard and Transylvania to operate joint airport 1401-4

Durham—Raleigh Airport 95-7

Greensboro—High Point Airport 151-2

Guilford County, Greensboro, Gibsonville and High Point to vote on Bonds for Airports 236-7

Henderson, Oxford, Vance County and Granville County, Authorizing joint airport 609-13

Hickory Municipal Airport 581

Morganton—Lenoir Airport Authority 398-401

North Carolina Aeronautics Commission 226-8

Page

Red Springs—Creating Airport Commission and prescribing aims, functions and powers, etc. 1438-40

Relating to airport zoning regulations 347

Agriculture:

Agricultural tenancies, Relating to 950

Commissioner of Agriculture—See under State Officials

Cotton buyers required to keep records 74

Fertilizer—Relating to contents and grades 335

North Carolina Seed Law 1138-46

Poultry—Relating to promotion of poultry industry, regulating public hatcheries, chicken dealers, turkey poults, hatching eggs, advertising, etc. 858-60

Public weigh masters, Relating to 1400

Spring Hope, Fixing fees of cotton weigher 1227

Union County, Making cotton weighers appointive 264

Ahoskie:

Extending corporate limits 818-9

Airports—See Aeronautics.

Alamance County:

Authorizing establishment of War Memorial 651-2

Authorizing tax levy for farm agent and home demonstration agent 710

Fixing salaries of Clerk, Sheriff and Register of Deeds 259

Making certain 1933 Act applicable to County 356

Alcoholic Beverages—Beer:

"Beer" defined 1090

Page

Bladen County—Authorizing County Commissioners to decline to issue licenses 1233

Bladen County—Striking "Beer" from Chapter 927, Page 1233, 1945 Session 1422

Duplin County—Prohibiting sale of beer, ale or wine within half mile of certain Churches 1281

Greensboro—Authorizing prohibition of sales of beer and wine on Sunday 1238-9

Hamlet—Authorizing town to regulate or prohibit sale of beer, ale or wine, between seven P. M. Saturday and seven A. M. following Monday 1236

Macon County—Applying certain provisions of Section 18-77, re-regarding prohibition of sales of beer and wine on Sunday 1358

Rockingham—Authorizing town to regulate or prohibit sale of beer, ale or wine between seven P. M. Saturday and seven A. M. following Monday 1235-6

Alcoholic Beverages—General:

Granville County—Authorizing special fee for capturing stills and capturing and convicting operators thereof 357

Halifax County—Relating to profits by Liquor Stores 787

Harnett County, Authorizing special fees for capturing stills and operators 939

Montgomery County—Authorizing special fee for capture of stills 381

Regulating transportation of certain liquors 619-22

Requiring law enforcement officers to refer to State Courts cases involving vehicles seized for unlawful transportation of liquor 1089

Alcoholic Beverages—Wine:

Amending certain sections of the Revenue Act 1211-4

Page

Authorizing State Board of Alcoholic Control to regulate manufacture and sale of wine, including establishment of standards for legal wines, issuance of permits, testing, prosecuting violations and other powers 1207-14

Prohibiting sale of substandard or synthetic wine 129

Angier—Authorizing town to regulate or prohibit sale of wine 1234-5

Ashe County—Authorizing County and municipalities to regulate or prohibit sale of wine 1277-8

Avery County—Authorizing County Commissioners to decline to issue licenses 1102

Bessemer City—Authorizing Town to regulate or prohibit sale of wine 1294

Bladen County—Authorizing County Commissioners to decline to issue licenses 1233

Buncombe County—Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Burke County—Authorizing County and municipalities to regulate or prohibit sale of wine 1352-3

Caldwell County—Authorizing County and Town of Lenoir to regulate or prohibit sale of wine 1404-5

Camden County—Authorizing County Commissioners to refuse to issue any licenses to sell wine 1408

Caswell County—Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Chatham County—Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Cherokee County—Authorizing County and municipalities to regulate or prohibit sale of wine 1318-9

Clay County—Authorizing County and municipalities to regulate or prohibit sale of wine 1318-9

Page

Duplin County—Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Duplin County—Prohibiting sale of beer, ale or wine within half mile of certain Churches 1281

Faison—Authorizing town to refuse to issue licenses 1277

Gates County—Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Graham County—Authorizing County and municipalities to regulate or prohibit sale of wine 1318-9

Granville County—Authorizing County and municipalities to refuse to issue licenses to sell wine 1243

Greensboro—Applying to City certain provisions to Section 18-77 of General Statutes, authorizing prohibition of sales of beer and wine on Sunday 1238

Guilford County—Authorizing County and municipalities to regulate or prohibit sale of wine 1412-3

Hamlet—Authorizing town to regulate or prohibit sale of beer, ale or wine between seven P. M. Saturday and seven A. M. following Monday 1236

Haywood County—Authorizing County and municipalities to regulate or prohibit sale of wine 1237-8

Hertford County—Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Huntersville—Authorizing town to regulate or prohibit sale of wine 1355-6

Jonesboro—Authorizing town to regulate sale of wine 1279-80

Lenoir—Authorizing Town and County of Caldwell to regulate or prohibit sale of wine 1404-5

Macon County—Apply to County certain provisions of Section 18-77, regarding prohibition of sales of wine and beer on Sunday 1358

Page

Madison County—Authorizing County Commissioners to decline to issue licenses 1102

McDowell County—Authorizing County and municipalities to regulate or prohibit sale of wine 1304-5

Montgomery County—Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Moore County—Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Moore County—Authorizing County and municipalities to refuse to issue licenses to sell wine 1239

Mount Airy—Authorizing Town and Surry County to regulate or prohibit sale of wine in Mt. Airy Township 1236-7

New London—Prohibiting sale of wine within radius of one mile of High School 1337

Northampton County—Authorizing County and municipalities to regulate or prohibit sale of wine 1233-4

Reynolds Park—Prohibiting sale within one half mile 1316

Richmond County—Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Robeson County—Authorizing County and municipalities to regulate or prohibit sale of wine 1240

Rockingham—Authorizing Town to regulate or prohibit sale of beer, ale and wine between seven P. M. Saturday and seven A. M. following Monday 1235-6

Rose Hill—Authorizing Town to refuse to issue any licenses to sell wine 1281

Rutherford County—Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Sampson County—Authorizing County and municipalities to regulate or prohibit sale of wine 1283-4

Sanford—Authorizing Town to regulate sale of wine 1279-80

Page

Scotland County—Authorizing County and municipalities to refuse to issue licenses to sell wine 1239

Sparta—Authorizing Town to regulate or prohibit sale of wine 1342

Spencer—Authorizing Town to regulate or prohibit sale of wine 1354

Swain County—Authorizing County and municipalities to decline to issue licenses 1278

Vance County—Applying certain provisions of Section 18-77 of General Statutes 1239

Vance County—Authorizing County and municipalities to refuse to issue licenses for wine 1239

Wake County—Authorizing Commissioners to regulate or prohibit sale of wine in Wake County within one mile of corporate limits of Angier 1234-5

Wallace—Authorizing Town to refuse to issue licenses 1277

Warsaw—Authorizing Town to refuse to issue any licenses to sell wine 1280

Alcoholic Beverage Control Stores:

Appropriation of funds in Onslow County for County Hospital 45

Prohibiting election on Liquor Stores in Moore County before June 1947 1364

Alexander County:

Salaries of Clerk of Court, Register of Deeds and Sheriff 101-2

Validating certain sales of real estate by Administrators 1250

Alleghany County:

Fixing pay of Board of Education 936-7

Fixing pay of County Commissioners 263

Providing for County to pay fees for recording discharges of Veterans 1189

Page

Relating to pay of election officials 295

Alexander School, Inc.:

Relating to joint operations with Board of Education of Rutherford County 930-1

Alimony—See Divorce and Alimony.

American Legion:

Authorizing New Hanover County and Wilmington to cancel taxes assessed against certain property of the American Legion Post in Wilmington 1158

Bertie County—Authorizing County to convey certain property to Legion Post 1200

Brevard—Authorizing conveyance of certain property to Monroe Wilson Post 20

Andrews:

Relating to appointment of school trustees 1186

Angier:

Authorizing Town to regulate or prohibit sale of wine 1234-5

Anglers:

Relating to licenses 796-7

Anson County:

Authorizing adjustment of certain delinquent taxes 674

Authorizing special tax for County Accountant, County Auditor and Farm Demonstration Agent 842

Authorizing transfer of delinquent taxes to general fund 1226

Exempting County from provisions of Chapter 1036 1358

Fixing salaries of Sheriff, Clerk of Court and Register of Deeds 1241-3

Page

Relating to administering rabies vaccine 785-6

Relating to delinquent taxes 828

Relating to killing foxes 1313-4

Separating offices of Sheriff and Jailer and providing for County Commissioners to appoint Jailer 1048

Apprenticeship:

Relating to settlement of controversies and complaints under apprenticeship agreements and termination of such agreements 1028-9

Appropriation Act of 1945 312-25

Appropriations:

Biennial Appropriations Act 312-25

Division of Legislative Drafting and Codification of Statutes of Department of Justice 1359-60

General Fund Bond Sinking Fund 7-8

Grape Culture 1360

Medical Student Loan Fund 1429

North Carolina Medical Care Association 1425-30

North Carolina Recreation Commission 1065

Roanoke Island Historical Association 1270-2

Special for North Carolina State Commission for the Blind 945

State Board of Assessments 1273-4

Supplemental Appropriations for fiscal year ending June 30, 1945..... 2-6

War Bonus for teachers and other State employees..... 2-6

Aquadale:

Authorizing referendum on repeal of town Charter 366

Page

Arbitration Service:

Creating Service in Department of Labor and regulating its organization and operations 1371-3

Armed Forces:

Absentee voting, Relating to 1065-7

Acknowledgments before certain Army and Navy Officers authorized 11

Attorney in Fact—Relating to validity of Acts of Agent after death of principal but before fact known 1297-8

Authorizing service men on leave to fish and hunt without licenses 898-9

Caswell County—Providing for publishing history of persons in the Armed Forces from County 381

Deposition of person in Armed Forces 35-6

North Carolina Veterans Commission created 1019-23

Probate of Wills of persons in Armed Forces 98

Protecting status of State employees 258

Providing for appointment of Conservator for property of certain persons, reported missing 649-50

Providing for certified copies of records of Navy, War and other Federal Departments, regarding death, missing or other status of service personnel to be accepted as prima facie evidence in Court and elsewhere 1030-1

Providing for Clerk of Superior Court to serve as Guardian for children of certain service men 1033

Providing for registration of discharges and issuance of certified copies, without charge 911-2

Relating to credits for experience increments for teachers et al, serving in Armed Forces 305

Relating to teachers and other State employees 1104

Page

Removing penalties from certain taxes 1362

Ashe County:

Authorizing County and municipalities to regulate or prohibit sale of wine 1277-8

Incorporating the Reeves Cemetery 545

Asheboro:

Authorizing Asheboro and Randolph County to operate airport jointly 655-8

Making Town subject to provisions of Chapter 526 of 1945 Session, regarding Retirement System 1452

Relating to collection of certain special assessments 575-6

Relating to selection of Trustees of School District 573

Asheville:

Relating to codifying local ordinances 402-3

Relating to Pension Fund for Policemen 360

Relating to Pension Fund for Retirement and Disability of Firemen 359

Validating certain conveyances 1229

Assessments—See under particular City or Court; as to assessment of real property for taxation, see Taxes and Taxation.

Assignments of Accounts Receivable 220-4

Atlantic and North Carolina Railroad Company

Amending 1943 Act regarding franchise tax 150

Attorney at Law:

Defining the practice of law 648

Attorney General—See under State Officials.

Page

Attorney in Fact:

Method for executing instruments 234

Relating to validity of acts in certain cases in which principal is in Armed Forces 1297-8

Aulander:

Fixing pay for Mayor 688

Validating tax listings, levies, and sales for certain years 1338-9

Avery County:

Authorizing County Commissioners to decline to issue licenses to sell wine 1102

Fixing salaries of County Commissioners 194

Fixing Terms of Superior Court 78

Relating to expenses of Sheriff 1248

Relating to nominations of Republican Party in Primaries 1132

B

Bang's Disease 638-9

Banks & Banking:

Amending Section 53-1, giving definition of "bank" 1042

Amending Section 53-104, specifying persons subject to supervision of Commissioner of Banks 1042

Amending Section 53-136, defining Industrial Bank 1042

Amending Section 53-137, giving procedure for organization of an Industrial Bank 1043-4

Amending Chapter 127 of 1945 Session 1045

Authorizing Banks to hold bonds in name of a nominee 339

Page

Enacting new Article, Sections 53-159 to 53-163, relating to Banks, acting as Fiduciaries 1044

Providing for State Banking Commission to supervise loan agencies and brokers 330-1

Relating to Industrial Banks 145-6

Relating to charges on small loans 331

Relating to handling and collecting State warrants 896

Relating to sale of trust assets from one trust to another by same Trustee 146

Relating to costs of examining banks 647

Relating to limitations on loans of Commercial and Industrial Banks 145-6

Repealing Section 53-103 1042

Repealing Sections 58-113 to 58-118 1045

Barbers—See State Board of Barber Examiners.

Barnes, Edwin P.

Relating to damages caused by School Bus 814

Bartholomew, W. C.

Relating to damages caused by School Bus 1101

Bartley, W. J.

Relating to damages caused by School Bus 1331-2

Bass Fish Hatcheries—See Department of Conservation and Development.

Baucom, D. M.

Relating to damages caused by School Bus 1385-6

Page

Beaufort County:

Amending Chapter 1046 of 1945 Session, Page 1373, by exempting therefrom Beaufort County 1455

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Authorizing employment of Veterans Service Officer and special tax for same 1106

Relating to fishing regulations 1329

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Selection of Chief of Police 44-5

Beer—See under Alcoholic Beverages

Belhaven:

Changing corporate limits 47-8

Fixing pay of Aldermen 406

Relating to nomination of Mayor and Aldermen 122-2

Belmont:

Authorizing sale of certain land 239

Changing corporate limits 49-50

Making same "City of Belmont" 798

Benton Heights—See Monroe

Bermuda Grass:

Prohibiting planting on shoulders of Highway in certain places 1306

Bertie County:

Authorizing conveyance of certain property to American Legion 1200

Authorizing County and municipalities to execute conveyances with covenants of Warranty 1279

Page

Fixing pay of Board of Education, Board of Health and Board of Welfare 850

Relating to jurisdiction of Recorder's Court 939

Requiring waiting period before issuance of marriage licenses to nonresdents 1373-4

Validating certain acts in collecting 1943 taxes 1046

Bessemer City:

Authorizing Town to regulate or prohibit sale of wine 1294

Fixing salary of Town Commissioners 574

Beverage Control Act—See Alcoholic Beverages; See, also, Revenue Act.

Bingo—See Mecklenburg County

Birth Certificates:

Certified copy to parent for child 51

For adopted children 166

Relating to children born out of wedlock 1298

Relating to notarial powers for Register of Deeds in certain cases 121

Bladen County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Changing discount rate for prepayment of taxes 378

Authorizing County Commissioners to decline to issue any licenses to sell beer or wine 1233

Fixing interest rate on tax sales certificates 298

Fixing salary of County Commissioners 297

Placing in general fund certain delinquent taxes 296

Page

Relating to annual settlement by tax collector 296-7

Relating to fishing regulations 1328-9

Striking "beer" from Chapter 927 (Page 1233) of 1945 Session 1422

Blind Persons:

Establishment of preconditioning center for adult blind 948-9

Relating to appointment of guardian for certain blind persons 84

Relating to compulsory school attendance by blind children 692

Blood Grouping Tests in Bastardy Cases 51

Board of Agriculture—See State Board of Agriculture and State Department of Agriculture

Board of Charities:

Name changed 53

Boards of Commissioners—See under particular Counties.

Board of Correction and Training:

Authorized to combine offices of Commissioner of Correction and General Business Manager 58

Board of Directors for State Hospitals at Raleigh, Morganton and Goldsboro and Caswell Training School to be appointed by the Governor and Providing for Unified Management 1231-2

Boards of Education—See under particular Counties; see, also, under Schools.

Board of Health—See State Board of Health.

Board of Welfare—See State Board of Welfare.

Boarding Homes—See Homes

Page

Bonds—See Bonds and Notes; see Surety Bonds

Bonds and Notes:

Brunswick County—Relating tod bonds and notes issued for certain teacherages 407

Carteret County—Authorizing issuance of school bonds by 694-5

Carthage—Relating to issuance of certain bonds 1177

Extending time for funding interest on certain bonds under Municipal Finance Act 559

Extending time for issuance of certain bonds 557

Guilford County, Greensboro, Gibsonville and High Point, Providing for referendum on Bonds for Airport 236-7

Hendersonville, Authorizing certain refunding bonds 765-6

New Hanover, Extending time for issuance of certain bonds 376

Pitt County—Relating to bonds for certain Drainage District 927-9

Norwood—Relating to issuance of bonds for sanitary sewer purposes 973

Raleigh—Extending time for issuance of certain bonds 280

Relating to issuance of bonds by special school districts or units 1102-3

Relating to limitation of time for presenting claims based on certain bonds, notes and interest coupons of local units of government 1084-5

Southern Pines, Relating to certain bonds of 61-62

Stanly County—Authorizing election for issuance of bonds for War Memorial 1159-60

Validating certain notes of counties evidencing refunded loans from State Literary Fund and Special Building Funds and authorizing refunding bonds 558

Washington County—Authorizing referendum on school bonds 40

Page

Bonds of Public Officials:

Clay County—Requiring corporate surety on bonds of County Officials 146

Craven County—Requiring Justices of Peace to furnish surety bond 160

Cumberland County—Relating to professional bondsmen 546

Cumberland County—Requiring Justices of Peace to furnish bond 544

Graham County—Requiring corporate surety on bonds of County Officials 146

Relating to bonds of City employees 862

Bondsmen:

Regulating professional bondsmen in New Hanover County 924-6

Boxing and Wrestling Commission:

Authorized for New Hanover County and Wilmington 1228-9

Brevard:

Authorizing Town and Transylvania County to operate joint Airport 1401-4

Conveyance of Lot to American Legion Post 20

Relating to Tax Collector 654

Brevard College:

Prohibiting drunkenness on campus 1288

Brooks, Ed

Relating to damages caused by School Bus 1005

Brown, W. O.

Relating to damages caused by School Bus 820-1

Page

Brunswick County:

Fixing salaries of Judge of Recorder's Court, County Commissioners, et al 1409

Fixing Terms of Superior Court 1038

Relating to fishing regulations 1328-9

Relating to notes issued relative teacherages for Shallotte and Waccamaw Schools 407

Bryson City:

Changing corporate limits 1214-5

Building and Loan Associations:

Relating to membership, loans and investments 212-3

Buncombe County:

Authorizing County and municipalities to regulate or prohibit the sale of wine 1409-10

Exempting County from Chapter 1041, regarding County Planning Boards 1361-2

Fixing salaries of Register of Deeds and Tax Supervisor 770

Making County subject to the provisions of Chapter 526 of 1945 Session, regarding the Retirement System 1421

Providing laborer's lien for landscaping 371

Repealing Chapter 326 of 1945 Session, Page 371 hereof 1184

Repealing Chapter 328 of 1923 Session, regarding road 69

Burgess, Marshall S.

Relating to damages caused by a falling tree 1133

Burial Association Commissioner:

Relating to examination and supervision of concerns, selling perpetual care 390

Page

Burke County:

Authorizing appointment of Assistant Clerk of Court and Deputy Register of Deeds 166-7

Authorizing County and municipalities to regulate or prohibit sale of wine 1352-3

Authorizing special tax levies for farm agent, home demonstration agent and county accountant 310

Exempting County from certain provisions of section 67-13 of General Statutes 278

Fixing pay of County Commissioners 1414-5

Relating to creameries, ice cream plants, etc. 1037

Burlington:

Relating to Recorder's Court 861-2

Bushel—See Weights and Measures.

Busses—See under Motor Vehicles; see under Schools.

C

Cabarrus County:

Consolidation of tax collecting departments of city and county 99-101

Fixing fees for probate of certain papers 80

Fixing fees for recording liens and mortgages 1191

Providing schedule of discounts for prepayment of taxes 867

Relating to Clerk's fees for auditing certain accounts 343

Relating to creameries, ice cream plants, etc. 1037

Salary of County Commissioners 174

Salary of Treasurer 46

Page

Caldwell County:

Authorizing additional personnel in Clerk's Office 178

Authorizing County and Lenoir to regulate or prohibit sale of wine 1404-5

Authorizing appointment of tax collector 177

Relating to licenses for Carnivals 147-8

Salary of Register of Deeds 159-160

Camden County:

Authorizing Commissioners to refuse to issue any licenses to sell wine 1408

Fixing pay for County Commissioners 361

Relating to fees for recording Federal Crop Liens and Federal Chattel Mortgages 360

Relating to pay for Chairman of Board of Education 361

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Campbell, L. D.

Relating to damages caused by School Bus 1198

Cancellations—See Mortgages and Deeds of Trust.

Cancer:

Authorizing State Board of Health to administer program for prevention and cure of cancer, including establishment of cancer clinics, etc. 1376-8

Canton:

Changing corporate limits 298-303

Carnivals:

Licensing in Caldwell County 147

Page

Carolina Beach:

Providing for election of Mayor and four Aldermen 912-4

Providing for referendum on special tax to advertise Town 1291-2

Carpenter, Gene

Relating to damages caused by School Bus 1023-4

Carteret County:

Authorizing certain school bonds and tax levy for same 694-5

Authorizing sale of certain property 616-7

Fixing salaries of County Officials 598-9

Relating to tax sales 854-5

Validating certain instruments not bearing seal of executing parties 1299

Carthage:

Relating to issuance of certain bonds 1177

Cary:

Extending corporate limits 1395-6

Caswell County:

Authorizing County and municipalities to regulate or prohibit the sale of wine 1409-10

Authorizing special taxes for farm agent, home demonstration agent and county accountant 382

Fixing salaries of Sheriff and County Commissioners 1387

Providing for publication of history of persons in Armed Forces 381

Sanitary Districts 33-4

Terms of Superior Court 156-7

Transferring certain cases from Recorder's Court to Superior Court 193

Page

Catawba County:

Authorizing employment of Veterans Service Officer 872-3

Certain fees to be charged by Register of Deeds 228-9

Changing punishment for drunkenness 255

Fixing pay of Court Reporter 709

Relating to creameries, ice cream plants, etc. 1037

Cemeteries:

Amending Charter of Oakdale Cemetery 548

Relating to perpetual care 390

Chapman, George W.

Relating to damages caused by School Bus 1014

Charlotte:

Amending Charter 283-5

Amending Charter relating to elections, etc. 822-5

Authorizing City to provide land and buildings for Veterans Recreation Authority 364

Carnegie Public Library, relating to Board of Trustees 1096-7

Election officials and compensation 219

Exempting from taxes property of Little Theater 289

Providing for referendum on special tax levy for public library 719-22

Providing for referendum on special tax for Parks and Recreation 394-5

Relating to duties of City Clerk 863

Relating to Firemen's Retirement Fund 579-80

Relating to Park and Recreation Commission 393

Validating certain acts of City Clerk 262

Page

Vesting in Charlotte title of property of Board of Water Commissioners 37

Chatham County:

Applying Section 28-68 of General Statutes to Chatham County 785

Applying Section 68-38 of General Statutes 373

Authorizing County and municipalities to regulate or prohibit the sale of wine 1409-10

Exempting County from Chapter 1041, regarding County Planning Boards 1361-2

Validating certain tax sales 404

Cherokee County:

Relating to appointment of school trustees for Andrews 1180

Authorizing County and municipalities to regulate or prohibit sale of wine 1318-9

Children:

Relating to adoption of 166

Relating to separating from its Mother a child less than six months old 921-2

Chiropody—Defined 145

Chowan County:

Authorizing contracts with hospitals for care of sick poor 162

Procedure for changing names of persons 617-8

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Church Property:

In Salisbury 35

Page

Of Primitive Baptists 113-4

In Wilmington 618-9

City-County Hospitals:

Establishment and operation 713-7

Cities and Towns—See Municipalities

City Sewer—Charges for connections 147

Civil Procedure:

Administrator cum testamento annexo, Clarifying powers of 172-3

Adoption Proceedings, Relating to consent in 1094-5

Adoption Proceedings, Relating to inheritance and succession of property 1095

Adverse possession, when surface and subsurface rights are separate 1182-3

Armed Forces—Deposition of persons in 35-6

Chowan County—Relating to changing names of persons in 617-8

Cleveland County—Relating to court costs 342

Cleveland County—Relating to court costs 1090-1

Conservator for property of certain persons, reported missing, Providing for appointment of 649-50

Contempt—Relating to 763

Durham County—Relating to limitations on tax suits 1152

Ejectment, allowing plaintiff in certain cases to recover double amount of delinquent rent 1103

Fair Labor Standards Act of 1938—Fixing three years as limitation for recoveries under the 1093-4

Guardian and Ward—Relating to proceedings to mortgage or sell property of a Ward 582-6

Page

Guardian and Ward—Relating to proceedings to mortgage or sell property of a Ward 1416-7

Guilford County—Relating to limitations on tax suits 1152

Homestead—Relating to 1222-3

Jones County—Relating to limitations on tax suits 1152

Judgments—Authorizing docketing of tax judgments in continuous volume 897-8

Judgments—Relating to assignment 165

Jurisdiction of resident Judge, Relating to 156

Mecklenburg County—Relating to limitations on tax suits 1152

Onslow County—Relating to limitations on tax suits 1152

Providing for certified copies of records of Navy, War and other Federal Departments, regarding death, missing and other status of service personnel to be accepted as prima facie evidence in Court and elsewhere 1030-1

Receivers—Required to give notice to claimants before order for distribution 257

Relating to change in venue in divorce actions 155

Relating to notice of pendency in Federal Courts of actions affecting title to real property 1174

Relating to personal service of process on nonresident 154

Reports of Commissioners and Jurors—Reducing time for confirming 1089

Required law enforcement officers to refer to State Courts cases involving vehicles seized for unlawful transportation of liquor 1089

Sheriff or Deputy, Authorized to administer oath to Commissioners to partition land 652

Summons—Alias and pluries, in tax foreclosure suits 173

Summons, Personal service on nonresident 154

Page

Summons, Relating to service 917

Summons, Service by Publication 170

Summons—Relating to service by publication and issuance of alias and pluries summons 882

Summons, Service on nonresident 139

Transfer of certain guardianships from one County to another 218

Uncontested cases, Relating to trial of certain 1303

Validating executions and proceedings thereunder, issued prior to March 1, 1945, in counties, in which a transcript has been docketed of a Judgment rendered in another county 1083-4

Venue of certain cases against Unemployment Compensation Commission 258

Venue—Relating to change in divorce suits 155

Veterans—Enabling Veterans between ages of 18 and 21 to sue and be sued in certain cases 1079-81

Veterans—Enabling minor spouses of Veterans to sue and be sued in certain cases 1081-2

Clams—See Sea Food

Clarkton:

Defining corporate limits 380

Clay County:

Authorizing abolition of office of Treasurer and appointment of a bank as financial agent 577-8

Authorizing County and municipalities to regulate or prohibit sale of wine 1318-9

Authorizing County Commissioners to employ all necessary assistants to Clerk of Court, Tax Collector and Reigster of Deeds 578-9

Page

Fixing salaries of Clerk of Court, Register of Deeds and County Commissioners 1309-10

Relating to fishing regulations 1328-9

Requiring corporate surety on bonds of County Officials 146

Clayton, Burman

Relating to damage caused by School Bus 1029

Clerks of Superior Court:

Currituck County—Relating to certain deposits 1205-6

Currituck County—Required to furnish to newspapers reports of grand juries 944

Forsyth County—Relating to Annual Report 15-9

Forsyth County—Providing for administration of certain estates by Clerk 21-7

Lenoir County—Annual Reports 230

Madison County—Relating to administration of certain assets by Clerk 163

Providing for Clerks to serve as Guardian for certain children of service men 1033

Relating to fees for auditing annual accounts of Receivers, Executors, etc. 1357-8

Relating to recording tax judgments 897-8

Required to report annually list of Justices of Peace 172

Washington County—Relating to administration of certain assets by Clerk 193

Cleveland County:

Authorizing employment of Veterans Service Officer 363

Relating to costs in Superior Court 1090-1

Page

Relating to damages by dogs 645

Relating to pay for court stenographer 700

Relating to liability for court costs 342

Transferring certain township funds to county debt service fund 288

Clinton:

Authorizing sale of certain property 1122

Regulating nomination and election of Mayor and Town Commissioners 1334-6

Clyde:

Fixing terms of office and providing for election of Town officials 1185-6

Colerain:

Extending corporate limits 846-7

Colors—See State Colors.

Columbus County:

Authorizing special taxes for fire control, farm agent, county accountant, etc. 1384

Fixing salary of Clerk, Register of Deeds, their assistants and tax supervisor 783-4

Fixing salaries of Sheriff and Deputy Sheriff 1241

Fixing salary of Tax Collector 847

Fixing Terms of Superior Court 1038

Relating to fishing regulations 1328-9

Providing for election of Judge of Recorder's Court and fixing his salary 1408

Relating to transfer of certain cases from Recorder's Court to Superior Court 378

Page

Transferring all civil cases from Recorder's Court to Superior Court 379

Commission on Vocational Schools:

Authorizing appointment and prescribing functions 1326-7

Commissioner of Commercial Fisheries

Relating to issuing licenses to catch and handle fish, oysters and other sea food, etc. 1320-2

Commissioner of Motor Vehicles—See under State Officials.

Concord:

Changing corporate limits 660-2

Consolidation of tax collecting departments of City and County 99-101

Issuance of criminal process 99

Relating to extension of corporate limits 865-7

Confederate Pensions:

Increasing pensions of Confederate Veterans, who are unable to work 949-50

Increasing pensions of colored servants, who accompanied their masters to war 1378-9

Conover:

Fixing corporate limits 311

Constitutional Amendments:

Providing for vote at General Election of 1946 on certain Amendments to Constitution of North Carolina, providing for substitution of word "persons" in lieu of "men" in several sections, etc. 875-6

Providing for vote at General Election of 1946 on Amendment to allow certain expenses for members of General Assembly 1363

Page

Contempt:

Amending law relating to contempt 763

Contractors:

Relating to liability of separate contractors under building contracts with State 1168

Relating to liability of separate contractors under building contracts with Cities and Counties 1169

Convalescent Homes—See Homes

Conveyances:

Carteret County—Validating certain instruments not bearing seal of executing parties 1299

Asheville—Validating certain conveyances 1229

Authorizing certain counties and the municipalities therein to execute conveyances with covenants of warranty 1279

Validating certain foreclosure conveyances not confirmed by Clerk of Court 1300

Validating certain conveyances by Foreign Executors 904

Cooleemee:

Fixing fees of Judge of Recorder's Court 1032-3

Corporations:

Election of Directors or Trustees of nonprofit, nonstock corporations 229

Providing for cancellation of certain mortgages and deeds of trust of 1420-1

Relating to contributions for religious, charitable, literary, scientific or educational purposes or for prevention of cruelty to children or animals 1085-6

Relating to land registration 54

Page

Cotton:

Requiring cotton buyers to keep records 74

Spring Hope, Fixing fees of cotton weigher 1227

Union County, Making Cotton Weighers appointive in 264

Council, K. Clyde

Relating to damages caused by school bus 1292-3

County Boards of Education:

Biennial appointment of members 1343-8

County Boards of Health:

Regulating same 1348-52

County Capital Reserve Act:

Amended 642-5

County Hospital Act:

Providing for establishment and operation of hospitals by Counties 700-10

County Planning Boards:

Providing for County Boards, but exempting Buncombe, Chatham, Durham, Stanly, Vance and Wake Counties 1361-2

Court Reporter:

Catawba County, Fixing pay 709

Cleveland County—Relating to pay 700

Rutherford County, Providing for prorating expenses 1329

Page

Courts—Judges of Superior Court:

Providing contingent increase in pay of regular and special Judges 1071

Courts—Justices of Peace:

Biennial appointments for Counties 1440-51

Durham County—Requiring deposit for jury trials in Court of Justice of Peace 1215

Fees in Criminal cases in Franklin County 176

Fees in Wake County 60

Granville County—Fixing fees 1398-1400

Limiting number of Justices of Peace in Thomasville Township 863

Must furnish surety bond in Craven County 160

Prohibiting a justice of peace, who is register of deeds, from performing marriage ceremony 1157

Requiring Clerk of Superior Court to report annually list of Justices of Peace 172

Validating certain acts of Johnny Garrison in Pender County 238

Courts—Juvenile:

Authorizing Forsyth County and Winston-Salem to maintain jointly a detention home for children 658-60

Cities and Counties that may establish Juvenile Courts 204

Courts—Recorder's:

Bertie County—Relating to jurisdiction 939

Caswell County—Transferring certain cases to Superior Court 193

Columbus County—Providing for election of Judge and fixing his salary 1408

Columbus County—Relating to transfer of certain cases to Superior Court 378

Page

Columbus County—Transferring all civil cases to Superior Court 379

Cooleemee—Fixing fees for Judge of Recorder's Court 1032-3

Cumberland County—Transferring certain cases to Superior Court 175

Currituck County—Transferring certain cases to Superior Court 1202-3

Denton—Increasing jurisdiction and fees 205

Dunn—Transferring certain cases to Superior Court 266

Durham County—Authorizing employment of Assistant Prosecuting Attorney 1121

Edgecombe County—Relating to appointment of Judge and Prosecuting Attorney and powers of Recorder 1119-20

Gates County—No Solicitor's fee be collected in Recorder's Court 380

Halifax County—Authorizing sessions at Roanoke Rapids 869

Halifax County—Transferring certain cases to Superior Court and other amendments 870

Hamlet—Fixing pay of Recorder 608

Kinston—Providing for transfer of certain cases from Municipal County Court to Superior Court 708

Martin County—Transferring certain cases to Superior Court 129

Mount Holly—Changing area of jurisdiction 1315

Mecklenburg County—Providing for Judge to be selected by County Commissioners 936

Robeson County—Salaries of Judges and Solicitors 306-7

Surry County—Providing for election of Judge and Prosecuting Attorney 1176-7

Thomasville, Providing certain punishment 307

Union County—Relating to Deputy Clerk 767

Warren County—Sessions of 214

Page

Courts—Solicitors:

Authorizing contingent increase in salary and expense allowance 1072

Courts—Terms of Superior Court

Avery County 78

Brunswick County 1038

Caswell County 156

Columbus County 1038

Craven County 53

Currituck County 194

Davidson County 905-8

Forsyth County 645-6

Franklin County 871

Guilford County 905-8

New Hanover County 1038

Pender County 1039

Surry County 181

Watauga County 947

Courts—Supreme Court:

Relating to certain funds for use of Supreme Court Library 1091-2

Permitting retirement of Justices who have become 80 years of age 1097

Cox, C. C.

Relating to damages caused by School Bus 1059

Cox, Felix

Relating to damages caused by School Bus 1011-2

Page

Crabs—See Sea Food

Craven County:

Applying Section 68-38 of General Statutes 373

Authorizing County Commissioners to fix schedule of fees in Offices of Clerk, Register of Deeds and Sheriff 1100

Relating to payment of certain drivers of school buses 1153

Requiring Justices of Peace to furnish surety bonds 160-1

Terms of Superior Court 53

Crawley, M. P., Jr.

Relating to damages caused by school bus 1069

Crimes and Punishments—General:

"Army" or "Navy," Using words in name of any commercial mercantile concern 1190-1

Bread Enrichment Act, Violation of 891-4

Dental Hygiene Avt, Violation of 886-90

Failure of cotton buyers to keep records 74

Health and Sanitary Regulations for private hospitals, sanatoriums and educational institutions, Violation of 1146-7

Insurance Laws—Violation of 622-6

Liquor Laws—Violation of 619-21

Loan Agency Act—Violation of 330

North Carolina Seed Law—Violation of 1135-40

Oil & Conservation Act—Violation of 1073

Poultry Industry Law—Violation of 858-60

Smallpox Immunization Law—Violation of 690

Sunday—Prohibiting hunting on 1374

Page

Tuberculosis Prevention Law—Violation of 815

Unemployment Compensation Law—Violation of 740

Whooping Cough Immunization Law—Violation of 751

Wine—Sale of substandard or synthetic 1290

Crimes and Punishments—Local:

Angier—Wine Act 1234-5

Ashe County—Wine Act 1277-8

Bessemer City—Wine Act 1294

Buncombe County—Wine Act 1409-10

Brevard College—Drunkenness on Campus of 1288

Burke County—Wine Act 1352-3

Caldwell County—Carnival Law 148

Caldwell County—Wine Act 1404-5

Caswell County—Wine Act 1409-10

Chatham County—Wine Act 1409-10

Cherokee County—Wine Act 1318-9

Clay County—Wine Act 1318-9

Cumberland County—Misdemeanor for Justices of Peace to fail to make Reports 544

Currituck County—Misdemeanor to permit livestock to run at large 412

Duplin County—Wine Act 1409-10

Duplin County—Violation of act prohibiting sale of beer, ale and wine within half mile of certain Churches 1281

Gaston County—Fireworks Law 286

Gates County—Law prohibiting auto and horse races on Sunday 281

Gates County—Wine Act 1409-10

Page

Graham County—Wine Act 1318-9
Guilford County—Livestock Sale Law 281
Guilford County—Wine Act 1412-3
Hamlet—Beer, ale and wine Act 1236
Haywood—Wine Act 1237-8
Hertford County—Wine Act 1409-10
Huntersville—Wine Act 1355-6
Lenoir—Wine Act 1404-5
Mecklenburg County—Sale of Pyrotechnics 1130
Mitchell County—Fox hunting 1155
Montgomery County—Wine Act 1409-10
Mount Airy—Wine Act 1236-7
Moore County—Wine Act 1409-10
New London—Sale of wine within radius of one mile of High School 1337
Northampton County—Wine Act 1233-4
Pitt County—Operating Pool Tables on Sunday 1107
Raleigh—Violation of Election Laws 783
Richmond County—Wine Act 1409-10
Robeson County—Wine Act 1240
Rockingham—Wine Act 1235-6
Rutherford County—Wine Act 1409-10
Sampson County—Wine Act 1283-4
Sparta—Wine Act 1242
Spencer—Wine Act 1354
Vance County—Misdemeanor to permit livestock to run at large 403

Page

Criminal Procedure:

Concord—Providing for issuance of criminal process 99

Relating to appeals by State 950-1

Relating to limitations on prosecutions of Father and Mother of illegitimate children 1383

Cumberland County:

Applying Section 68-38 of General Statutes 373

Authorizing special taxes for poor, county hospital, library and Bookmobiles 768

Fixing fees for Justices of Peace 396-7

Fixing pay of Board of Education 1244

Fixing pay for Jurors 362

Relating to concurrent jurisdiction of Superior Court and Recorder's Court 174

Relating to discounts on taxes 126

Relating to pay for County Commissioners 362

Relating to pay for election officials 358

Relating to Professional Bondsmen 546

Relating to rural police 409

Requiring justices of peace to furnish bond 544

Transfer of certain cases from Recorder's Court to Superior Court 175

Currituck County:

Board of Education, Membership and election of 128

Board of Education, Fixing dates for meetings of 260

Board of Education, Fixing pay of 602

Board of Elections, Publication of minutes of meetings of 62-3

Board of Welfare, Authorizing pay for 396

Page

Certain liens, Fixing fees for recording 1223

Clerk of the Superior Court, Relating to certain deposits by 1205-6

Clerk of Superior Court, Required to furnish to newspaper reports of grand juries 944

County Accountant—Making same an elective office and fixing salary 608-9

County Commissioners, Fixing number and regulating their nomination and election 588

County Commissioners, Fixing pay of 601

County Commissioners—Publication of minutes of meetings of 62-3

Deputy Sheriff of Crawford Township, Relating to special 374

Deputy Sheriff of Poplar Branch Township, Relating to 1302

Election Officials, Fixing pay of 1247

Hunting migratory wildfowl, Relating to 1407

Jurors, Fixing pay of 303

Livestock Law—Amending Chapter 748 of 1945 Session, relating to 1411

Livestock—Misdemeanor to permit to run at large 412

Livestock—Relating to 1048-9

Marriage licenses—Requiring waiting period before issuance to nonresidents 1373-4

Providing for transportation of certain school children 1354-5

Public Schools—Relating to closing during certain periods 1202

Recorder's Court—Transferring certain cases to Superior Court 1202-3

Relating to survey of certain property 413

Schools—Providing for Schools to operate on Eastern Standard Time 541

School Fund—Relating to auditing accounts of 1203-4

Page

Superintendent of Schools—Relating to election of 1204-5

Superior Court—Fixing Terms of 194

Trustees of a school lot in Shawboro, Relating to 909

D

Damages:

Providing double damages in actions for unlawful cutting or removal of timber, etc. 1156

Relating to damages to Marshall S. Burgess, caused by a falling tree 1133

Relating to damages to J. L. Pearce, caused by falling building material 811-2

Relating to damages, caused by school busses:

R. G. Abrams 1031

Edwin P. Barnes 814

W. C. Bartholomew 1101

W. J. Bartley 1331-2

D. M. Baucom 1385-6

Ed Brooks 1005

W. O. Brown 820-1

L. D. Campbell 1198

Gene Carpenter 1023-4

George W. Chapman 1014

Burman Clayton 1029

K. Clyde Council 1292-3

C. C. Cox 1059

Felix Cox 1011-2

Page

M. P. Crawley, Jr. 1069
Grady Deans 1027-8
John H. DeVane 1018
T. D. Eakins 1134-5
Mrs. Herman Forrester 914-5
Herman Forrester 916
C. R. Fowler 1036-7
Thomas F. Fuller 1006-7
L. B. Funderburk 1386-7
Harriet Ann Hayes 1296
B. E. Hix 1199
C. E. Jarvis 894-5
Kent-Coffey Manufacturing Company 884
W. H. Lambeth 812
E. F. Landers 890
H. F. Latta 1173
N. R. Lewis 1015
Hugh Martin 1077-8
P. D. Mitgett 1167
Mrs. E. H. Moser 1026-7
John D. Nance 1015-6
Rev. J. Robert Phipps 883-4
W. Grady Poe 915
Burlia Maude Pace 1296
Elsie Pace 1296
John Price 1077

Page

Quality—Southern Oil Company 1013-4
Nathan O'Berry Radford 1007-8
V. H. Ray 1067-8
J. R. Reich 919
D. F. Stillwell 918
Floyd Simmons 1151
Roy Simmons 1035-6
Walter G. Temple 1295
Herman Vaden 1185
Bennie Wells 1005-6
Albert Whitley 1026
Rev. E. C. Wilkie 1012-3

Dare County:

Authorizing certain expenditures for advertising Dare County 607
Extending term of County Commissioners 773
Relating to fishing regulations 1328-9
Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Davidson County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279
Commissioners for Drainage District 20
Constables, Restricting powers of 1339
Denton, Relating to Recorder's Court of 205
Deputy Sheriffs, Relating to 19
Salaries of County Commissioners 78

Page

Davie County:

Fixing pay for transporting prisoners to and from jail 606

Fixing salaries of County officials 571

Fixing Terms of Superior Court 905-8

Relating to Clerk hire in offices of Clerk of Court and Register of Deeds 178

Deaf—Relating to compulsory school attendance by deaf children 692

Deans, Grady

Relating to damages caused by school bus 1027-8

Deeds—See Conveyances.

Deposition of Persons in Armed Forces 35-6

Delinquent Taxes—See Taxes and Taxation.

Dental Hygiene—See North Carolina State Board of Dental Examiners.

Denton:

Increasing jurisdiction and fees in Recorder's Court 205

Departments—See State Departments

DeVane, John H.

Relating to damages by school bus 1018

Diphtheria:

Relating to administering immunization agents 689

Distribution of Personal Property 56

Distribution and Descent of Property:

Relating to property of illegitimates, dieing intestate 723

Page

Division of Legislative Drafting and Codification of Statutes—See under Department of Justice

Divorce and Alimony:

Nullifies devise by one spouse to another, made before divorce 154-5

Relating to change in venue 155

Relating to divorce in certain cases where one spouse is incurably insane and relating to alimony in such cases 1059-61

Dobbs Farms—See Industrial Farm Colony for women.

Dogs:

Damages by dogs in Cleveland County 645

Damages by dogs in Guilford County 152

Nash County—Relating to license taxes 93

Damages by dogs in Wake County 790

Providing for collection of dog tax by Rabies Inspector 800-1

Dower:

How conveyed 84

Allotment of widow's dower 131

Drainage Districts:

In Iredell County 768

In Iredell County 974-5

In Pitt County 927-9

Draper:

Incorporation, etc. 242-55

Drunkenness:

Prohibiting on Campus of Brevard College 1288

Page

Dunn:

Transfer of certain cases from Recorder's Court to Superior Court 266

Duplin County:

Authorizing County and municipalities to regulate or prohibit the sale of wine 1409-10

Prohibiting sale of beer, ale or wine within half mile of certain Churches 1281

Salary of County Attorney 75

Salaries of County Commissioners 74

Salary of County Judge 75

Salary of Deputy Sheriffs 75-6

Salary of Prosecuting Attorney 75

Relating to fox hunting 1160

Veterans Service Officer, Authorizing employment of 941-2

Durham County:

Authorizing employment of Assistant Prosecuting Attorney for Recorder's Court 1121

Exempting County from Chapter 1041, regarding County Planning Boards 1361-2

Extending term of Juvenile Judge 696

Fixing pay of County Officials 787-9

Fixing pay of Jurors 1244

Granting additional powers to Deputy Clerks of Court 947-8

Limitations on tax suits 1152

Relating to Durham-Raleigh Airport 95-7

Relating to fees of Clerk for auditing accounts of certain Fiduciaries 130

Page

Requiring deposit in jury trials in Court of Justice of Peace 1215

Restricting Constables to their own township 1041

Durham:

Authorizing appropriations for advertising and for public concerts 282

Authorizing conveyance of certain land 240

Authorizing conveyance of certain land 241

Extending term of Juvenile Judge 696

Fixing boundaries of Wards 291-5

Relating to construction of certain types of buildings 639-40

Relating to Durham-Raleigh Airport 95-7

E

Eakins, T. D.

Relating to damages caused by school bus 1134-5

East Flat Rock:

Authorizing adjustment of delinquent taxes and paving assessments 669-70

Edenton:

Extending corporate limits 387

Fixing pay of Mayor and Town Councilmen 601

Edgecombe County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Fixing pay of Sheriff and Deputies and relieving Sheriff from duty of collecting taxes 709-10

Page

Relating to Recorder's Court 1119-20

Education—See Schools.

Educational Districts—See Schools.

Elections and Election Laws:

Alleghany County, Relating to pay for election officials 295

Aquadale, Authorizing referendum on cancellation of town Charter 366

Armed Forces—Relating to absentee voting 1065-7

Avery County—Relating to nominations by Republicans in primaries 1132

Belhaven—Nomination of Mayor and Aldermen 1220-2

Carolina Beach—Providing for election of Mayor & Aldermen 912

Carolina Beach—Providing for referendum on special tax to advertise Town 1291-2

Charlotte—Amending Charter relating to elections 822-5

Charlotte—Providing for referendum on special tax for library 719-22

Charlotte—Providing for referendum on special tax for Parks and Recreation 394

Charlotte—Relating to election officials and compensation 219

Clinton—Regulating nomination and election of Mayor and Town Commissioners 1334-6

Clyde—Providing for election of Town officials 1185-6

Columbus County—Providing for election of Judge of Recorder's Court 1408

Cumberland County—Relating to pay of election officials 358

Currituck County—Fixing pay of election officials 1247

Currituck County—Providing for election of Board of Education 128

Page

Currituck County—Providing for election of County Accountant 608-9

Currituck County—Relating to nomination and election of County Commissioners 588

Elizabeth City—Relating to election of Mayor and Aldermen 216-8

Fayetteville—Form of City Government 137

Fayetteville—Relating to nominations of Mayor and Aldermen 9-10

Gaston County—Providing for election on special tax for Industrial Diversification Commission 560-4

Gibsonville—Election on bonds for Airport 236-7

Goldsboro—General Election Laws to apply 1172

Halifax County—Referendum on question of nominating County Commissioners, County-wide or by districts 1319

Hazelwood—Providing for election of Town Officials 1186

Hendersonville—Relating to City Elections 935

Highlands—Relating to election of Mayor and Town Commissioners 821

Hogback Township in Transylvania County—Providing for election on hogs running at large 1165

Issuance of applications for absentee ballots by members of County Board of Elections other than Chairman 1299

Jacksonville—Nomination and election of town officials 139-143

Macon County—Placing County under State-wide Primary Law... 1131-2

Mitchell County—Providing that Democratic Candidates for County Officers be nominated by convention 1201

Polk County—Relating to election of County Commissioners 14

Prohibiting use of titles in printing names of candidates on ballots 1289

Relating to appointment of County Boards of Election, increasing pay of election officials, voting by persons in the Armed Forces, etc. 1065-7

Page

Relating to tax levies for public libraries 1316-7

Stanley County—Authorizing election on issuance of bonds for war memorial 1159-60

Stanly County—Exempting nominations of County officers from State Primary Law 1276

Stantonsburg—Providing for election of Mayor and Town Commissioners 1390-4

Surry County—Providing for election of Judge and Prosecuting Attorney of Recorder's Court 1176-7

Valdese—Providing for election on special tax for certain school purposes 1206

Vance County—Commissioners 215-6

Elevators or Escalators:

Relating to installation in Capitol Building 1301

Elizabeth City:

Amending Charter 342

Amending Charter relative to election of Mayor and Alderman 216-8

Authorizing erection of nonfireproof buildings on a certain lot 348

Increasing membership of Police Commission and extending its functions and powers 1161-3

Relating to the Public Utilities Commission 1034-5

Elizabeth City State Teachers College:

Authorizing payment of damages to Twiford Funeral Home, caused by truck of Teachers College 895

Elon College:

Salaries of Mayor, Town Commissioners and Treasurer 114-5

Emergency War Powers Act 12

Page

Employee Trusts:

Exempting certain trusts from rules against perpetuities and restraints on alienation 13

Employees Retirement Fund—See Pension and Retirement Funds.

Employer and Employee—See Workmen's Compensation Act.

Enrollment of Acts:

Relating to utilization of employees from other Departments 572

Escheat to University of North Carolina:

Providing for escheat of certain funds in hands of Clerk of Superior Court of Forsyth County 1375-6

Relating to certain funds in hands of Clerk of Superior Court of Forsyth County 17

Estates:

Administrator cum testamento annexo, Clarifying powers of 172-3

Alexander County—Validating certain sales of property by Administrators 1250

Distribution of estate of certain intestates 56

Executors and administrators authorized to provide for perpetual care of cemetery lot of testator or intestate 1061-2

Forsyth County—Administration of certain estates by Clerk of Superior Court 21-7

Madison County—Applying provisions of section 28-68 regarding administration of certain assets by Clerk 163

Eugenics Board of North Carolina:

Authorizing the acceptance of Gifts 1093

Evidence:

Deposition of persons in Armed Forces 35-6

Bills of lading in Criminal Cases 119

Page

Executors and Administrators:

Administrator cum testamento annexo, Powers clarified 172-3

Authorizing executors and administrators to provide for perpetual care of cemetery lot of testator or intestate 1061-2

Validating certain conveyances by Foreign Executors 904

F

Factor:

Defining meaning, providing for liens, etc. 196-8

Fairmont:

Relating to Trustees of Fairmont Schools 383

Faison:

Authorizing Town to refuse to issue licenses to sell wine 1277

Farmers and Farming—See Agriculture.

Farmers Mutual Fire Insurance Association of North Carolina 333

Fayetteville:

Appointment of Fire Chief and Police Chief 200-3

Civil Service Commission for Police Department 199-203

Election on Form of Government 137

Election of Mayor and Alderman 9-10

Referendum on 1945 Act, regarding certain changes in Charter 199-203

Relating to discounts on taxes 126

Federal Government:

Relating to purchases from Federal Government 157

Page

Fertilizers:

Relating to contents and grades 335-6

Fiduciaries—See Guardian and Ward

Fingerprints:

Relating to taking fingerprints of certain persons charged with crime 1282

Fire Departments:

Authorizing Counties to have fire departments 278

Firemen's Pension and Disability Fund—See Pension and Retirement Funds.

Firemen's Relief Fund:

Amendments to General Statutes 92-3

Amendment to General Statutes 199

Fireworks:

Relating to sale and use in Mecklenburg County 1130

Relating to sale and use in Gaston County 286-7

Fish—See Sea Food

Fishing:

Relating to regulation in waters of several counties 1328-9

Flour—See Weights and Measures.

Foreclosures—See Conveyances.

Foreign Executors—See Executors and Administrators.

Page

Forest City:

Time of meetings of Town Commissioners 264

Forest Survey Commission:

Authorizing appointment and operations of Commission 910-1

Forestry—See Schools

Forrester, Herman

Relating to damages caused by school bus 916

Forrester, Mrs. Herman

Relating to damages caused by school bus 914-5

Forsyth County:

Administration of certain estates by Clerk of Superior Court 21-7

Administration of certain estates of minors and incompetents by Clerk of Superior Court 549-56

Authorizing County and municipalities to execute certain conveyances with covenants of warranty 1279

Authorizing County and Winston-Salem to maintain jointly a detention home for children 658-60

Authorizing County and Winston-Salem to provide hospital care for the poor 106-10

Clerk of Superior Court, authorized to make certain investments 1187-9

Clerk of Superior Court, relating to annual report of 15-9

Consolidation of City and County Health Departments 102-5

County Commissioners, Authorized to appropriate certain funds to County Fair Fund 386

Escheating to the University of North Carolina certain funds in the hands of the Clerk of Court 17

Page

Escheating to the University of North Carolina certain funds in the hands of Clerk of Court 1375-6

Fixing fees for Solicitor, Jurors, and Court Stenographer to be taxed in Bills of Costs by Clerk of Court, fixing fees of Jurors, and fixing fees, costs and commissions to be charged by the Clerk 522-39

Fixing Terms of Superior Court 645-7

Public Administrator, Fixing amount of bond, etc. 70-2

Relating to commitment to County Hospital of persons suffering with senile dementia 1068

Retirement plan for County Employees authorized 344-6

Fowler, C. R.

Relating to damages caused by school bus 1036-7

Foxes:

Anson County, Relating to killing foxes in 1313-4

Duplin County, Relating to fox hunting in 1160

Mitchell County, Relating to fox hunting in 1155

Relating to Fox Hunting 256

Franchise Taxes—See under Revenue Act.

Franklin County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Authorizing payment of back salary to County Attorney 77

Fixing fees in criminal cases for justices of peace and sheriff or constable 176

Fixing Terms of Superior Court 871

Page

Fremont:

Wayne County taking over school debt 404-6

Fuller, Thomas F.

Relating to damages caused by school bus 1006-7

Funderburk, L. B.

Relating to damages caused by school bus 1386-7

G

Gallon—See Weights and Measures.

Game and Game Laws:

Anson County—Relating to killing foxes 1313-4

Duplin County—Relating to fox hunting 1160

Mitchell County—Relating to fox hunting 1155

Relating to fox hunting 256

Relating to license fees 860-1

Gasoline—See under Revenue Act.

Gaston County:

Fireworks, Relating to 286-7

Industrial Diversification Commission, Authorizing referendum on special tax for 560-4

Public Library, Authorizing special tax for 1422-3

Tax limits for certain purposes, Increased 237

Veterans Service Office, Authorizing employment of 115-6

Gastonia:

Disability and Retirement Pension Fund for Fire Department ... 132-5

Page

Firemen's Relief Fund 199

Relating to hours of Registration 48

Gates County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Authorizing County and municipalities to regulate or prohibit the sale of wine 1409-10

Fixing pay of County Commissioners and Board of Education 267

Inspection of School Busses 38-9

Prohibiting auto races and horse races on Sunday 281

Providing no Solicitor's fee be collected in Recorder's Court 380

Requiring waiting period before issuance of marriage licenses to non-residents 1373-4

General Assembly of 1945:

Providing bonus for Pages and other employees 1336-7

General Elections—See under Elections and Election Laws.

General Fund Bond Sinking Fund—Created 7-8

General Statutes:

Amending numerous Sections 876-83

Directing the Division of Legislative Drafting and Codification of Statutes of Department of Justice to prepare Supplements after each General Assembly and semi-annually and authorizing certain "editing" privileges and making said Supplements prima facie evidence of the law 1178-9

General Statutes—Amended, Enacted or Repealed:

Section 1-42 1182-3

Section 1-52 1093-4

Page

Section 1-53 1984-5
Section 1-83 155
Section 1-89 917
Section 1-95 173
Section 1-97 139
Section 1-100 170
Section 1-104 154
Section 1-120.1 1174
Section 1-173 1303
Section 1-246 165
Section 1-307 1083-4
Section 1-372 1222-3
Section 1-404 1089
Section 1-589 877
Section 1-596 877
Section 2-26 877
Section 2-26 1032
Section 2-28 94
Section 2-28 94-5
Section 2-28 360
Section 2-28 717
Section 2-28 1191
Section 2-28 1223
Section 2-33 1357
Section 2-34 130

Page

Section 2-34 172
Section 2-34 1358
Section 2-36 343
Section 2-44 172
Section 2-46 15
Section 2-46 121-2
Section 2-46 230
Section 2-47 17
Section 2-52 171
Section 2-53 171
Section 2-55 1188
Section 2-56 1186
Section 3-1 877
Section 5-6 763
Section 6-5 877
Section 6-22 877
Section 7 129
Section 7-44 1072
Section 7-45 1072
Section 7-51 1097
Section 7-64 174
Section 7-64 870
Section 7-65 129
Section 7-70 53
Section 7-70 78

Page

Section 7-70 156-7
Section 7-70 181
Section 7-70 194
Section 7-70 645-6
Section 7-70 871
Section 7-70 905-8
Section 7-70 947
Section 7-89 700
Section 7-134 162
Section 7-134 176
Section 7-134 1398
Section 7-186 861
Section 7-190 861
Section 7-192 861
Section 7-194 877
Section 7-195 861
Section 7-199 862
Section 7-203 862
Section 7-204 870
Section 7-207 862
Section 7-207 877
Section 7-218 869
Section 7-228 73
Section 7-228 870
Section 7-229 878

Page

Section 7-249 870
Section 7-250 870
Section 7-251 870
Section 7-252 870
Section 8-41 119
Section 8-56 878
Section 8-71 35
Section 9-4 1216-7
Section 9-5 123
Section 9-5 263
Section 9-5 266
Section 9-5 303
Section 9-5 362
Section 9-5 1306
Section 9-19 338
Section 9-25 764
Section 14-75 878
Section 14-96.1 461
Section 14-101 878
Section 14-197 548
Section 14-199 878
Section 14-250 1180
Section 14-320 921
Section 14-335 255
Section 14-335 286
Section 14-358 878

Page

Section 14-359 879
Section 14-364 879
Section 14-387 879
Section 15-107 1187
Section 15-168 1203-4
Section 15-179 950-1
Section 18-6 879
Section 18-39 1273
Section 18-49.1 619
Section 18-49.2 620
Section 18-49.3 621
Section 18-77 1238
Section 18-77 1239
Section 18-77 1358
Section 18-97 79
Section 18-107 1235
Section 18-107 1236
Section 18-109 1208-9
Section 18-110 1209
Section 18-111 1210
Section 18-112 1210
Section 18-113 1210
Section 18-113(a) 1210
Section 18-114 1211
Section 18-115 1211
Section 18-116 1211

Page

Section 20-2 750
Section 20-7 1153
Section 20-8 1153
Section 20-9 1154
Section 20-11 1154
Section 20-12 1154
Section 20-28 880
Section 20-32 1154
Section 20-38 570
Section 20-38(r)(2) 1156
Section 20-50 1273-4
Section 20-64 805
Section 20-77 337
Section 20-77 1009
Section 20-87 792
Section 20-87 805
Section 20-88 806
Section 20-88 798
Section 20-88 804
Section 20-88(c) 1274
Section 20-89 570
Section 20-89 804
Section 20-91 804
Section 20-92 804
Section 20-94 58

Page

Section 20-99 806
Section 20-110 809
Section 20-111 809
Section 20-111(d) 880
Section 20-116 276
Section 20-118 276
Section 20-118 798
Section 20-118 810
Section 20-188 1375
Section 20-200 880
Section 20-218 255
Section 20-220 880
Section 28-19 70-72
Section 28-24 172-3
Section 28-39.1 904
Section 28-47 880
Section 28-68 164
Section 28-68 193
Section 28-68 785
Section 28-77 880
Section 28-103 1250
Section 28-120 1061
Section 28-149 56
Section 29-1 723
Section 30-7 84-5
Section 30-8 85

Page

Section 30-9 85
Section 30-12 131
Section 31-5 154-5
Section 31-26 98
Section 31-31.1 1130-1
Section 33-2 91
Section 33-31 582
Section 33-33 583
Section 33-491 218
Section 34-2 1022
Section 34-3 1023
Section 34-4 1023
Section 34-5 1023
Section 34-6 1023
Section 34-7 1023
Section 34-8 1023
Section 34-9 1023
Section 34-10 1023
Section 34-11 1023
Section 34-12 1023
Section 34-13 1023
Section 34-14 1023
Section 34-15 1023
Section 34-16 1023
Section 34-17 1023
Section 34-18 1023

Page

Section 35½ 1251
Section 35-2 118
Section 35-2 1251
Section 35-10 584
Section 35-10 1251
Section 35-11 584
Section 35-11 1251
Section 35-14 585
Section 35-15 585
Section 35.1 1251
Section 36-1 1188
Section 36-2 1188
Section 36-3 1188
Section 36-4 1008
Section 36-5.1 13
Section 36-29 146
Section 36-32 339
Section 39-7 85
Section 39-8 86
Section 39-9 86
Section 39-11 86
Section 39-23 880
Section 41-2 880
Section 42-23 950
Section 42-32 1103
Section 43-17.1 54

Page

Section 44-1 371
Section 44-1 1184
Section 44-2 261
Section 45-1 1175-6
Section 45-3 87
Section 45-28 93
Section 45-37 1300
Section 45-37(5) 1303
Section 46-8 652
Section 47-2 11
Section 47-2.1 12
Section 47-3 87
Section 47-7 87
Section 47-12 88
Section 47-13 88
Section 47-38 89
Section 47-40 89-90
Section 47-48 1115
Section 47-99 1104
Section 47-53 1115
Section 47-64 1176
Section 47-102 1116
Section 47-109 912
Section 47-110 911
Section 47-110 1189
Section 47-113 912

Page

Section 47-114 91
Section 47-114 912
Section 47-114 234
Section 48-5 1094
Section 48-6 1095
Section 48-7 165-6
Section 49-4 1383
Section 49-7 51
Section 50-4 880
Section 50-5 1059-61
Section 51-1 1157
Section 51-9 810
Section 51-10 810
Section 52-2 90
Section 52-4 90
Section 52-7 90
Section 52-12 91
Section 52-22 880
Section 53-1 1042
Section 53-48 145
Section 53-69 880
Section 53-103 1042
Section 53-104 1042
Section 53-122 (f) 647
Section 53-136 1042
Section 53-137 1043

Page

Section 53-141 331
Section 53-143 145
Section 53-145 1043
Section 53-159 1044
Section 53-160 1044
Section 53-161 1044
Section 53-162 1044
Section 53-163 1044
Section 54-20 212
Section 54-21 213
Section 54-21.1 213
Section 54-21.2 213
Section 54-27 880
Section 54-112 881
Section 55-2 881
Section 55-11 355
Section 55-26 1085
Section 55-44 881
Section 55-48 229
Section 55-56 881
Section 55-77 881
Section 55-110 881
Section 55-149 881
Section 55-153 257
Section 55-158(4) 882

Page

Section 58-2 462
Section 58-3 463
Section 58-6 463
Section 58-7.1 463
Section 58-7.2 463
Section 58-7.3 463
Section 58-9 463
Section 58-9.1 465
Section 58-9.2 465
Section 58-9.3 465
Section 58-11 466
Section 58-14 466
Section 58-15 466
Section 58-16 466
Section 58-16.1 467
Section 58-16.2 467
Section 58-18 468
Section 58-19 468
Section 58-20 468
Section 58-21 468
Section 58-23 468
Section 58-24 468
Section 58-25 468
Section 58-25.1 469
Section 58-26 469
Section 58-27 459

Page

Section 58-27.1 459
Section 58-30.1 413
Section 58-30.2 414
Section 58-31.1 414
Section 58-35 415
Section 58-35.1 415
Section 58-35.2 415
Section 58-39.1 419
Section 58-39.2 419
Section 58-39.3 421
Section 58-41 622
Section 58-42 622
Section 58-43 623
Section 58-44 623
Section 58-44.1 623
Section 58-44.2 623
Section 58-44.3 624
Section 58-44.4 624
Section 58-47 624
Section 58-49 625
Section 58-50 625
Section 58-51 625
Section 58-52 625
Section 58-53.1 423
Section 58-53.2 424
Section 58-53.3 424

Page

Section 58-55 474
Section 58-56 474
Section 58-57 474
Section 58-58 474
Section 58-59 474
Section 58-60 474
Section 58-61 474
Section 58-63 519
Section 58-64 519
Section 58-72 481-6
Section 58-76 487
Section 58-77 487-92
Section 58-78 492
Section 58-79 492-9
Section 58-79.1 500-12
Section 58-81 513
Section 58-82 513
Section 58-83 513
Section 58-85 513
Section 58-85.1 513
Section 58-86.1 514
Section 58-88 513
Section 58-92 514
Section 58-93 514
Section 58-94 514
Section 58-95 514

Page

Section 58-96 514-5
Section 58-97 515
Section 58-97.1 516
Section 58-97.2 516
Section 58-97.3 516
Section 58-98 516
Section 58-99 517
Section 58-100 517
Section 58-101 517
Section 58-102 517
Section 58-107 517
Section 58-109 517
Section 58-110 518
Section 58-112.1 518
Section 58-113 1045
Section 58-114 1045
Section 58-115 1045
Section 58-116 1045
Section 58-117 1045
Section 58-118 1045
Section 58-125 444
Section 58-126 444
Section 58-127 444
Section 58-128 445
Section 58-129 445
Section 58-130 445

Page

Section 58-131 446
Section 58-131.1 446
Section 58-131.2 446
Section 58-131.3 447
Section 58-131.4 447
Section 58-131.5 448
Section 58-131.6 448
Section 58-131.7 448
Section 58-131.8 449
Section 58-131.9 449
Section 58-131.10 449
Section 58-131.11 449
Section 58-131.12 450
Section 58-131.13 450
Section 58-131.14 451
Section 58-131.15 451
Section 58-131.16 451
Section 58-131.17 452
Section 58-131.18 452
Section 58-131.19 452
Section 58-131.20 453
Section 58-131.21 453
Section 58-131.22 453
Section 58-131.23 453
Section 58-131.24 454
Section 58-131.25 454

Page

Section 58-131.26 454
Section 58-131.27 454
Section 58-131.28 455
Section 58-131.29 455
Section 58-131.30 455
Section 58-131.31 456
Section 58-131.32 456
Section 58-131.33 456
Section 58-134.1 512
Section 58-139 518
Section 58-143 518
Section 58-148 518
Section 58-149 470
Section 58-150 470
Section 58-151 471
Section 58-151.1 433
Section 58-152 472
Section 58-155 472
Section 58-156 422
Section 58-161 422
Section 58-162 422
Section 58-162.1 423
Section 58-163 423
Section 58-164 519
Section 58-165 423
Section 58-166 424

Page

Section 58-167 424
Section 58-170 624
Section 58-171 624
Section 58-172 622
Section 58-175 424
Section 58-175.1 425
Section 58-176 425
Section 58-177 425
Section 58-177 429
Section 58-178 431
Section 58-178.1 431
Section 58-179 431
Section 58-180.1 432
Section 58-181 432
Section 58-182 472
Section 58-182.1 472
Section 58-182.2 472
Section 58-182.3 473
Section 58-182.4 473
Section 58-182.5 473
Section 58-182.6 473
Section 58-182.7 473
Section 58-182.8 473
Section 58-188.1 474
Section 58-188.2 474
Section 58-188.3 474

Page

Section 58-188.4 474
Section 58-188.5 474
Section 58-188.6 474
Section 58-188.7 474
Section 58-188.8 474
Section 58-189 1340
Section 58-190 1341
Section 58-191 1341
Section 58-194 518
Section 58-195 432
Section 58-195.1 433
Section 58-196 433
Section 58-200 433
Section 58-201 433
Section 58-201.1 433
Section 58-201.2 437
Section 58-202 440
Section 58-203 441
Section 58-205.1 441
Section 58-207 441
Section 58-209 441
Section 58-214 442
Section 58-215 442
Section 58-217 442
Section 58-218 442
Section 58-220 442

Page

Section 58-221 442
Section 58-223 443
Section 58-223.1 443
Section 58-226 143
Section 58-227 143
Section 58-228 143
Section 58-229.1 144
Section 58-232 144
Section 58-242 461
Section 58-243 461
Section 58-245 461
Section 58-246 459
Section 58-246 460
Section 58-247 460
Section 58-247 461
Section 58-248 461
Section 58-248.1 459
Section 58-248.2 459
Section 58-248.3 460
Section 58-248.3 460
Section 58-248.4 460
Section 58-248.5 460
Section 58-248.6 460
Section 58-249 475
Section 58-250 475
Section 58-252 476

Page

Section 58-253 476
Section 58-254.1 476
Section 58-254.2 476
Section 58-254.3 477
Section 58-254.4 478
Section 58-254.5 480
Section 58-260.1 441
Section 58-261 480
Section 58-316 443
Section 58-317 443
Section 58-318 443
Section 58-319 443
Section 58-320 443
Section 58-321 443
Section 58-322 443
Section 58-323 443
Section 58-324 443
Section 58-325 443
Section 58-326 443
Section 58-327 443
Section 58-328 443
Section 58-329 443
Section 58-330 443
Section 58-331 443
Section 58-332 443
Section 58-333 443

Page

Section 58-334 443
Section 58-335 443
Section 58-336 443
Section 58-337 443
Section 58-338 443
Section 58-339 443
Section 58-340 443
Section 61-6 113
Section 61-7 113
Section 61-8 113
Section 61-9 114
Section 61-10 115
Section 61-11 116
Section 62-82 909
Section 62-125 1024
Section 62-126 1025
Section 63 34
Section 63-29 347
Section 63-31 882
Section 65-30 390
Section 67-13 93
Section 67-13 126
Section 67-13 152
Section 67-13 278
Section 67-13 645
Section 67-13 790

Section 68-38 373
Section 72-8 1147
Section 72-9 1147
Section 72-10 1147
Section 72-11 1147
Section 72-12 1147
Section 72-13 1147
Section 72-14 1147
Section 72-15 1147
Section 72-16 1147
Section 72-17 1147
Section 72-18 1147
Section 72-19 1147
Section 72-20 1147
Section 72-21 1147
Section 72-22 1147
Section 72-23 1147
Section 72-24 1147
Section 72-25 1147
Section 72-26 1147
Section 72-27 1147
Section 72-28 1147
Section 72-29 1147
Section 81 326
Section 81-1 326
Section 81-2.1 326
Section 81-14.2 326

Page

Section 81-14.3 327
Section 81-14.4 327
Section 81-14.5 327
Section 81-15 328
Section 81-15.1 329
Section 81-16 329
Section 81-18 329
Section 81-21 329
Section 81-24 329
Section 81-36 1400
Section 81-36.1 1400
Section 81-43.1 1400
Section 84-2.1 648
Section 84-27 1091-2
Section 86-1 1148
Section 86-7 1148
Section 86-8 1148
Section 86-15 1148
Section 86-19 1149
Section 86-20 1149
Section 86-21 1149
Section 86-25 1149
Section 90-57 801
Section 90-60 801
Section 90-188 145
Section 90-203 119

Page

Section 90-204 120
Section 94-7 1028
Section 94-10 1028
Section 94-11 1028
Section 95-4 1023
Section 96-4 724
Section 96-6 725
Section 96-8 726
Section 96-8 762
Section 96-9 727
Section 96-10 258
Section 96-10 729
Section 96-11 731
Section 96-12 731
Section 96-13 734
Section 96-14 735
Section 96-15 735
Section 96-16 736
Section 96-18 739
Section 97-2(a) 1074
Section 97-2(e) 1074
Section 97-4 1074
Section 97-7 1074
Section 97-13(b) 1075
Section 97-19 1075
Section 97-24 1075

Page

Section 97-29 1075
Section 97-40 1075
Section 97-48 1076
Section 97-57 1070
Section 97-58 1070
Section 97-59 1070
Section 97-61 1071
Section 97-66 1071
Section 97-92(a) 1076
Section 97-94(b) 1076
Section 97-99 457
Section 97-102 457
Section 97-103 457
Section 97-104.1 458
Section 97-104.2 458
Section 97-104.3 458
Section 97-104.4 458
Section 97-104.5 458
Section 97-104.6 459
Section 100-10 131
Section 101-2 540
Section 101-2 617-8
Section 101-3 49
Section 101-6 49
Section 103-2 1374
Section 105-64(a) 1308

Page

Section 105-90 882
Section 105-150 1282-3
Section 105-276 1273-4
Section 105-280 1289-90
Section 105-296(6) 1308
Section 105-297(6) 1308
Section 105-331 1224
Section 105-344 1282-3
Section 105-345 126
Section 105-345 280
Section 105-345 378
Section 105-345 547
Section 105-345 867
Section 105-345 1362
Section 105-387 28
Section 105-388(a) 279
Section 105-388(b) 280
Section 105-388 298
Section 105-390 29
Section 105-391 882
Section 105-392 897-8
Section 105-403 370
Section 105-405 882
Section 105-423.1 1152
Section 106-40 335
Section 106-47 336

Page

Section 106-62 920-1
Section 106-234 740
Section 106-235 740
Section 106-236 741
Section 106-253 1163
Section 106-277 1135
Section 106-278 1135
Section 106-279 1135
Section 106-280 1135-8
Section 106-281 1138-40
Section 106-282 1140
Section 106-283 1140-2
Section 106-284 1142
Section 106-284.1 1142-4
Section 106-284.2 1144
Section 106-284.3 1144-6
Section 106-372.1 800-1
Section 106-389 638
Section 108-1 53
Section 108-3 203
Section 108-11 57
Section 108-21 855
Section 108-21(b) 857
Section 108-25 855
Section 108-30 855
Section 108-32 856

Page

Section 108-38 856
Section 108-48 856
Section 108-49 856
Section 108-50 857
Section 108-54 857
Section 108-59 857
Section 108-66 857
Section 108-67 857
Section 110-22 204
Section 110-22 696
Section 110-44 204
Section 110-44 696
Section 112-17 950
Section 112-18 949
Section 112-18 1378-9
Section 113-5 885
Section 113-6 885
Section 113-59 882
Section 113-95 860-1
Section 113-95.1 898
Section 113-109 882
Section 113-110 256
Section 113-110 1160
Section 113-136 1086
Section 113-143 796
Section 113-144 796

Page

Section 113-144.1 899
Section 113-145 752
Section 113-145 796
Section 113-146 797
Section 113-148 797
Section 113-152 797
Section 113-158 1320
Section 113-160 1320
Section 113-161 1320
Section 113-162 1320-1
Section 113-163 1320-1
Section 113-291 1328
Section 113-292 1328
Section 113-293 1328
Section 113-294 1328
Section 113-295 1328
Section 113-297 1328
Section 113-299 1328
Section 113-303 1328
Section 113-304 1328
Section 113-323 1328
Section 113-326 1328
Section 113-331 1328
Section 113-332 1328
Section 113-345 1328
Section 113-346 1328

Page

Section 113-352 1328
Section 113-353 1328
Section 113-354 1328
Section 113-361 1329
Section 113-372 1329
Section 113-373 1329
Section 113-374 1329
Section 113-376 1329
Section 114-4 1094
Section 115-65 1284
Section 115-91 1284
Section 115-293 814
Section 115-296 1287
Section 115-302 1133-4
Section 115-309 692
Section 115-310 692
Section 115-341 1284
Section 115-351 723
Section 115-352 1284
Section 115-354 1285
Section 115-355 1285
Section 115-355 1287
Section 115-359 1285
Section 115-359.1 305
Section 115-366 1285
Section 115-370 1286

Page

Section 115-372 1286
Section 115-376 1287
Section 115-378 1153
Section 115-381 1285
Section 116-23 1376
Section 116-79 1123
Section 116-82 1123
Section 116-85 1123
Section 116-145 1023
Section 116-147 1023
Section 116-148 1157
Section 118-6 92
Section 118-7 92
Section 118-7 199
Section 120-22 572
Section 120-33 13
Section 121 65-9
Section 122-1 1253
Section 122-3 1253
Section 122-5 1253
Section 122-6 1253
Section 122-7 1231
Section 122-11.2 1231
Section 122-11.3 1231
Section 122-11.5 1232
Section 122-14 1232

Page

Section 122-17 1232
Section 122-27 1253
Section 122-36 1253
Section 122-37 1254
Section 122-38 1254
Section 122-39 1255
Section 122-40 1255
Section 122-41 1255
Section 122-42 1255
Section 122-43 1256
Section 122-45 1257
Section 122-46 1257
Section 122-46.1 1258
Section 122-47 1259
Section 122-48 1259
Section 122-49 1259
Section 122-49.1 1259
Section 122-50 1260
Section 122-52 1260
Section 122-53 1260
Section 122-54 1260
Section 122-55 1260
Section 122-57 1260
Section 122-62 1261
Section 122-63 1262
Section 122-63.1 1262

Page

Section 122-66 1263
Section 122-67 1263
Section 122-68 1264
Section 122-68.1 1264
Section 122-69 1264
Section 122-70 1264
Section 122-71 1264
Section 122-72 1265
Section 122-73 1265
Section 122-75 1265
Section 122-76 1265
Section 122-77 1265
Section 122-78 1266
Section 122-79 1266
Section 122-80 1267
Section 122-81 1267
Section 122-81.1 1266
Section 122-82.1 1267
Section 122-82.2 1267
Section 122-83 1268
Section 122-84 1268
Section 122-85 1268
Section 122-86 1268
Section 122-87 1268
Section 122-88 1268
Section 122-89 1268

Page

Section 122-90.1 1269
Section 127-11(6) 337
Section 127-111 1155
Section 128-21 743
Section 128-22 743
Section 128-26 743
Section 128-27 744
Section 128-28 746-8
Section 128-29 745
Section 128-30 745
Section 128-36 749
Section 128-37 749
Section 128-38 749
Section 130-18 120
Section 130-18 1350-1
Section 130-21 1352
Section 130-39 902-3
Section 130-66 1348-9
Section 130-88.1 121
Section 130-102 51
Section 130-183 689
Section 130-190 689
Section 130-190.1 750-1
Section 130-225.1 815
Section 131-31 150

Page

Section 131-117 1425-6
Section 131-118 1426
Section 131-119 1426
Section 131-120 1427-8
Section 131-121 1428-9
Section 131-122 1429
Section 131-123 1429
Section 131-124 1430
Section 131-125 1430
Section 131-126 1430
Section 134-36 1164
Section 134-99 58
Section 135-1 1230
Section 135-3 1105
Section 135-4 1104
Section 135-5 256
Section 136-1 1201-2
Section 136-18 1159
Section 142 7-8
Section 142-50 7
Section 142-51 7
Section 142-52 7
Section 142-53 8
Section 142-54 8
Section 143-59 158
Section 143-128 1168

Page

Section 143-129 157-8
Section 143-139 639-40
Section 144-2 303
Section 147-15 56
Section 147-33 1
Section 147-45 764
Section 147-59 691
Section 147-60 691
Section 147-69 896
Section 147-77 170
Section 148-79 1282
Section 152-3 304
Section 153-8 149
Section 153-9 278
Section 153-9 1361
Section 153-13 362
Section 153-38 372
Section 153-113 174
Section 153-142.4 642
Section 153-142.6 642
Section 153-142.6½ 643
Section 153-142.9 643
Section 153-142.10 643
Section 153-142.11 644
Section 153-142.16 644
Section 153-142.18 644

Page

Section 153-142.21 644
Section 153-152 162
Section 153-152 791
Section 153-160 791
Section 160 34
Section 160-22 1361
Section 160-65 1316-7
Section 160-77 556-7
Section 160-78 637
Section 160-155 1379
Section 160-156 1379
Section 160-157 1380
Section 160-158 1380
Section 160-159 1380
Section 160-160 1381
Section 160-161 1381
Section 160-162 1381
Section 160-163 1382
Section 160-164 1382
Section 160-173 763
Section 160-200 192
Section 160-200 793
Section 160-277 862
Section 160-296 137
Section 160-378 558
Section 160-383 973

Page

Section 160-400 138
Section 160-402 371
Section 160-410 233
Section 160-429 640
Section 160-430 641
Section 160-430.1 641
Section 160-433 641
Section 160-434 641
Section 160-439 642
Section 160-441 642
Section 160-444 642
Section 161-10 590
Section 161-10 1191
Section 161-28 901
Section 162-6 590-1
Section 163-10 1299
Section 163-11 1065
Section 163-12 1065
Section 163-20 1066
Section 163-25 1067
Section 163-58 1066
Section 163-62 1067
Section 163-70 1066
Section 163-77.9 1066
Section 163-129 1276
Section 163-151 1289

Page

Section 164-1 167
Section 164-10 1178
Section 164-11 1179
Section 164-12 167
Section 164-13 167
Section 164-14 167-9
Section 164-14(d) 882
Section 164-15 169
Section 164-16 169
Section 164-17 169
Section 164-18 169
Section 164-19 169
Section 165-1 1019
Section 165-2 1019
Section 165-3 1019
Section 165-4 1020
Section 165-5 1020
Section 165-6 1020-1
Section 165-7 1021-2
Section 165-8 1022
Section 165-9 1022
Section 165-10 1022
Section 165-11 1022
Section 165-12 1079
Section 165-13 1079
Section 165-14 1079

Page

Section 165-15 1079

Section 165-16 1080

Section 165-17 1081-2

Section 165-18 1082

Section 165-19 1396

Section 165-20 1397

Section 165-21 1397

Section 165-22 1397

General Statutes Commission:

Creation, Appointment, etc. 167-70

Gibsonville:

Voting on bonds for Airports 236-7

Gift Taxes—See under Revenue Act.

Glenwood:

Revoking Charter and dissolving municipal corporation 1040-1

Goldsboro: Goldston (Chatham Co.)

Providing for all elections to be conducted under General Election Laws 1172

Governor—See under State Officials.

Graham County:

Authorizing condemnation proceedings for hospital purposes 1045-6

Authorizing County and municipalities to regulate or prohibit sale of wine 1318-9

Relating to County Health Fund and tax levy for same 813

Page

Relating to Board of Education and School Committees 1307

Relating to health work 1388

Requiring corporate surety on bonds of County Officials 146

Relating to Rural Policeman 42-3

Salary of County Accountant 129

Granville County:

Authorizing County and municipalities to refuse to issue licenses to sell wine 1243

Authorizing employment of Deputy Auditor 356

Authorizing employment of deputy sheriff, fixing fees for summonsing jurors and fees for capturing stills and capturing and convicting operators thereof 357

Fixing fees of Justices of Peace 1398-1400

Fixing pay for jurors 263

Making County subject to the provisions of Chapter 526 of the 1945 Session, regarding Retirement System 1418

Relating to selection and term of office of Board of Education 542

Relating to joint Airport with Henderson, Oxford and Vance County 609-13

Grape Culture:

Appropriation to match Federal Funds 1360

Grave Yards—See under Cemeteries

Greene County:

Authorizing Snow Hill Officers to arrest anywhere in County persons who have committed crime in said Town 408

Authorizing War Bonus to County Officials and employees 408

Page

Relating to fishing regulations 1328-9

Relating to tax collector 261

Greensboro:

Amending Charter regarding salaries and publication of Ordinances 817-8

Authorizing conveyance of certain property 544

Authorizing conveyance of certain property 97-8

Authorizing establishment of a War Memorial Fund and War Memorial Fund Commission 595-8

Authorizing extension of corporate limits to include Hamilton Lakes 1365-70

Authorizing Traffic Bureau 593-5

Beer—Applying to City certain provisions of Section 18-77 regarding prohibition of sales of beer and wine on Sunday 1238-9

City Clerk and Deputy—Power to administer oaths 44

Municipal Court, Issuance of Criminal Process 72

Municipal Court, Relating to right of appeal to Superior Court 73

Providing for Employees Retirement Fund 667-9

Relating to wine 1238

Relating to Emergency Reserve Fund for Law Enforcement Officers 368

Relating to Greensboro-High Point Airport 151-2

Wine—Applying to City certain provisions of Section 18-77, regarding prohibition of sales of beer and wine on Sunday 1238-9

Grifton:

Increasing Town Commissioners from three to five 1128

Gross Earnings Tax—See under Revenue Act.

Guardianship—See Guardian and Ward.

Page

Guardian and Ward:

Authorizing guardians of certain insane or incompetent persons to pay certain funds to dependent relatives 662-3

Providing for Clerk of Superior Court to serve as Guardian for children of certain service men 1033

Relating to appointment of guardian for insane & incompetent in certain cases 118-9

Relating to appointment of guardian in certain cases 1207

Relating to appointment of guardian for certain blind persons 84

Relating to investments in certain securities 1008-9

Relating to proceedings to mortgage or sell property of a ward 582-6

Relating to proceedings to mortgage or sell property of a ward 1416-7

Relating to transferring guardianship from one County to another 218

Guilford County:

Authorizing compilation of local and private laws relating to Guilford County 346

Authorizing county and municipalities to regulate or prohibit sale of wine 1412-3

Authorizing remission of penalties on certain delinquent taxes 370

Authorizing extension of fire protection to rural communities 559

Fees for jurors and sheriff in sanity hearings 122

Fixing hours for public auction livestock sales 281

Limitations on tax suits 1152

Providing sick leave for employees 70

Relating to County Tuberculosis Hospital 150

Relating to damages by dogs 152-3

Relating to parking meters 282

Page

Relating to pay for tales jurors 688

Relating to tax foreclosures 149

Relating to taxes on newly discovered property 1224

Repealing 1927 Act, fixing fees for County Standard Keeper 148

Superior Court Terms 905-8

Voting on bonds for airports 236-7

H

Halifax County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Fixing discount rates for prepayment of taxes 546-7

Fixing pay of Board of Education 711

Fixing pay of County Commissioners 711

Providing for referendum on question of nominating County Commissioners, County-wide or by districts 1319

Relating to delinquent taxes and to prepayment of taxes 602-3

Relating to profits from liquor stores 787

Relating to Recorder's Court 869

Relating to Recorder's Court 870

Salary of Deputy Clerk of Court 38

Salary of Sheriff 101

Hamilton:

Rewriting Charter 349

Hamilton Lakes:

Authorizing cancellation of Charter and merger with Greensboro, etc. 1365-70

Page

Hamlet:

Authorizing conveyance of certain property to Seaboard Railway Company 1248-9

Authorizing conveyance of certain property to Seaboard Railway Company 1314-5

Authorizing town to regulate or prohibit sale of beer, ale or wine between seven P. M. Saturday and seven A. M. following Monday 1236

Fixing pay of Judge of Recorder's Court 608

Harnett County:

Authorizing Commissioners to fix pay of certain nonelective employees 1194-5

Authorizing employment of Veterans Service Officer and special tax for same 389

Authorizing special fees for capturing stills and operators, authorizing Sheriff to take certain acknowledgments, and relating to costs in criminal cases 939-40

Authorizing special taxes for farm agent, home demonstration agent, county accountant and for care of poor 388

Changing date for annual appointment of tax collector 1179

Fixing pay of County Commissioners 1193-4

Fixing punishment for public drunkenness 286

Relating to fishing regulations 1328-9

Hayes, Harriet Ann

Relating to damages caused by school bus 1296

Haywood County:

Authorizing certain county officials to act as agents of bonding companies 1187

Authorizing Commissioners to regulate or prohibit sale of wine 1237-8

Page

Fixing salary of Assistant Clerk 945

Fixing salary of County Manager 1049

Fixing salary of Tax Supervisor and Collector 1049

Relating to certain marriage records 265

Relating to salary of County Accountant 767

Hazelwood:

Fixing terms of office and providing for election of Town Officials 1186

Health—Local:

Consolidation of Health Departments of Forsyth County and Winston-Salem 102-5

Providing for local and district health departments and relating to county health departments 1348-52

Relating to health work in Graham County 1388

Henderson:

Relating to joint airport with Oxford and Granville and Vance Counties 609-13

Henderson County:

Authorizing County Commissioners to increase salaries of officials and employees 933

Authorizing employment of Veterans Service Officer and tax levy for same 933-5

Fixing fees of justices of peace 1413-4

Hendersonville:

Appointing a member of the Board of Water Commissioners 600

Authorizing certain refunding bonds 765

Relating to City Elections 935

Relating to Trustees of Graded School 1405-6

Page

Hertford:

Authorizing Police Officers to make arrests within two miles of corporate limits 827

Providing referendum on extension of corporate limits 825-6

Hertford County:

Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Authorizing employment of deputy clerk and deputy register of deeds and fixing salaries 695

Fixing pay of County Commissioners 771

Fixing pay of Register of Deeds and County Accountant 772

Fixing pay of Sheriff 772

Relating to annual report of Clerk of Superior Court 121-2

Relating to fishing regulations 1328-9

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Hickory:

Authorizing use of certain funds for Municipal Airport 581

Repealing Chapter 68, 1913 Session, regarding City Charter 138

High Point:

Amending 1941 Act relating to Pension Fund for Retirement and Disability of Fire Departmeent 339-42

Employees Retirement Fund 40-2

Establishment of Traffic Bureau 39-40

Fixing salary of Mayor and Councilmen and clarifying certain relationships between local Health Department and State Merit System 1047

Increasing salary of Clerk of City Court 693-4

Page

Relating to Greensboro-High Point Airport 151-2

Relating to tax foreclosures 149

Voting on bonds to be issued by Guilford County, High Point, Greensboro and Gibsonville 236-7

High Schools—See Schools.

Highlands:

Relating to election of Mayor and Town Commissioners 821

Highway Commission—See under State Departments.

History:

Department of Archives and History 65-9

Hix, B. E.

Relating to damages caused by school bus 1199

Hoke County:

Fixing pay for County Commissioners 607-8

Relating to fishing regulations 1328-9

Holidays:

Relating to meetings of County Boards of Commissioners that fall on holidays 149

Homes:

Inspection and licensing boarding homes, rest homes and convalescent homes 23

Home Site:

How conveyed 85

Hospitals Board of Control—See Board of Directors for State Hospitals at Raleigh, Morganton and Goldsboro and Caswell Training School.

Page

Hospitals for Insane—See under State Institutions.

House Bills:

Numerical Index 1509-14

Household and Kitchen Furniture:

How conveyed 87

Hunting—See Game and Game Laws:

Hyde County:

Exempting County from Chapter 1046 of 1945 Session, page 1373, regarding hasty marriages 1455

Requiring Register of Deeds to index deeds of trustees, mortgagees and commissioners under name of immediate prior owner 338

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Validating certain acts of justices of peace and notaries public 1246

Validating indexing system in office of Register of Deeds 1192-3

Idiots—See Mental Diseases.

Illegitimate Child:

Blood grouping test of Mother, Child and Defendant 51

Relating to prosecutions of parents 1383

Imbeciles—See Mental Diseases.

Income Tax—See under Revenue Act.

Incompetent—See Insane or Incompetent.

Industrial Bank—See under Banks and Banking.

Industrial Commission—See under State Departments.

Industrial Farm Colony for Women:

Name changed to Dobb's Farms 1164

Page

Inebriates—See Mental Diseases.

Inheritance Tax—See under Revenue Act.

Insane or Incompetent:

Appointment of guardian in certain cases 118-9

Payment of insurance not exceeding $500.00 171

Relating to mental diseases 1251-70

Insecticides or Fungicides:

Relating to sales, seizures, etc. 920-1

Insurance:

Amending general regulations 413-22

Amending General Statutes relating to Fire Insurance 422-32

Amending General Statutes relating to Life Insurance 432-43

Amending General Statutes relating to Fire Insurance Rating Bureau and casualty and miscellaneous insurance rates 443-56

Amending General Statutes relating to rates for Workmen's Compensation and Automobile Liability Insurance 457-61

Amending General Statutes relating to embezzlement by insurance agents 461-2

Amending General Statutes relating to organization of Insurance Department 462-70

Amending General Statutes relating to Foreign and Alien Insurance Companies 470-5

Amending General Statutes relating to Accident and Health Insurance 475-81

Amending General Statutes relating to organization and regulation of Insurance Companies 481-522

Amending General Statutes relating to regulation of Insurance Agents 622-6

Page

Annual registration fees and taxes 1052-5

Providing for State to carry own fire insurance risks, creating State Property Fire Insurance Fund and regulating same..... 1340-1

Relating to Farmers Mutual Fire Insurance Association of North Carolina 333

Relating to payment of benefits not exceeding $500.00 due minors, insane persons, et al. 171

Relating to personal liability of Officers of Companies in payment of certain fees and taxes 52

Intangibles Tax—See under Revenue Act.

Intestates—See Estates.

Intoxicating Liquors—See Alcoholic Beverages.

Iredell County:

Authorizing employment of Veterans Service Officer 159

Authorizing Statesville and Iredell County to acquire and give to Federal Government site for a Veterans Hospital..... 367

Fixing salary of Register of Deeds 687

Relating to drainage districts 768

Relating to drainage districts 974-5

J

Jackson, Andrew—See Memorials.

Jackson County:

Fixing pay of Commissioners 269

Jacksonville:

Amending Chapter 50 of 1945 Session, placing new city area in Second Ward 827

Page

Authorizing certain persons to vote in Wards where they reside, irrespective of length of residence therein 1315

Changing name of Branch Street to Kerr 1217

Election of town officials 139-43

Extending corporate limits 59-60

Jamesville:

Defining corporate limits and providing for elections and government of the town 829-35

Jarvis, C. E.

Relating to damages caused by school bus 894-5

Johnson, Andrew—See Memorials.

Johnston County:

Fixing fees for jurors 1306-7

Fixing fees for probate and registration of Federal Crop Liens 717

Fixing pay for County Commissioners 784

Veterans Service Officer, Authorizing employment of 277

Jones County:

Authorizing Commissioners to put certain delinquent tax funds in general fund or school fund 385

Authorizing special levy for county accountant, farm agent, home demonstration agent, county attorney and special terms of court 374-5

Limitations on tax suits 1152

Placing certain county officials on salary basis 942-3

Jonesboro:

Authorizing Town to regulate the sale of wine 1279-80

Page

Judges:

Appointment of Special Judges by Governor 163-4

Judgments—See under Civil Procedure.

Junior College:

Providing for referendum in New Hanover County for establishment 1388-90

Juries and Jurors:

Exempting members of State Guard 338

Justices of Peace—See under Courts.

Juvenile Courts—See under Courts.

K

Kent-Coffey Manufacturing Company:

Relating to damages caused by school bus 884

Kindergartens:

Subject to supervision of State Department of Public Instruction.. 1284

Kings Mountain:

Authorizing disinterment of bodies of two unknown persons 793-5

Kinston:

Authorizing 10% increase in salaries of teachers 76

Transfer certain criminal cases to Superior Court 708

Page

L

Labor, Commissioner of—See under State Officials.

Lambeth, W. H.:

Relating to damages caused by school bus 812

Land Registration:

If certificate of title be lost 55

If certificate of title be not delivered 55

When title held by corporation 54

Landscaping:

Providing for laborer's lien in Buncombe and Randolph Counties 371

Repealing Chapter 326 of 1945 Session, Page 371 hereof 1184

Landers, E. F.

Relating to damages caused by school bus 890

Latta, H. F.

Relating to damages caused by school bus 1173

Laws—Amended or Repealed:

1883, Chapter 72 1128

1883, Chapter 101 311

1887, Chapter 86 1181-2

1893, Chapter 20 799

1893, Chapter 55 932

1893, Chapter 343 333

1895, Chapter 97 798

Page

1895, Chapter 151 1128
1895, Chapter 171 565
1899, Chapter 30 663
1899, Chapter 82 80-1
1899, Chapter 95 1195
1899, Chapter 369 224-5
1901, Chapter 165 1108-10
1901, Chapter 194 1120-1
1903, Chapter 158 818-9
1903, Chapter 295 825-6
1905, Chapter 404 1227
1907, Chapter 246 47-8
1907, Chapter 343 308-10
1908, Chapter 21 693
1909, Chapter 134 1040-1
1909, Chapter 381 1040-1
1909, Chapter 651 72
1911, Chapter 176 235
1911, Chapter 233 577
1911, Chapter 407 1160
1911, Chapter 472 1119-20
1911, Chapter 618 1227
1911, Chapter 713 1032
1913, Chapter 30 574
1913, Chapter 59 564
1913, Chapter 59 774-83

Page

1913, Chapter 68 138
1913, Chapter 104 379
1913, Chapter 253 868
1913, Chapter 332 147
1913, Chapter 347 942
1913, Chapter 667 175
1913, Chapter 676 205
1915, Chapter 55 938
1915, Chapter 61 944
1915, Chapter 270 225
1915, Chapter 380 392
1915, Chapter 762 214
1917, Chapter 159 932
1919, Chapter 54 818-9
1919, Chapter 71 174
1919, Chapter 278 214
1919, Chapter 425 1128
1921, Chapter 16 929
1921, Chapter 142 282
1921, Chapter 142 291
1921, Chapter 187 333
1921, Chapter 408 598-9
1921, Chapter 559 36
1923, Chapter 15 1034-5
1923, Chapter 37 44

Page

1923, Chapter 37 817
1923, Chapter 37 1365-70
1923, Chapter 63 564
1923, Chapter 122 289
1923, Chapter 188 9
1923, Chapter 228 938
1923, Chapter 328 69
1923, Chapter 496 195
1923, Chapter 569 409
1924, Chapter 33 1177
1924, Chapter 63 291
1925, Chapter 2 264
1925, Chapter 28 202
1925, Chapter 105 387
1925, Chapter 153 660-1
1925, Chapter 161 1365-70
1925, Chapter 164 44
1925, Chapter 192 9
1925, Chapter 499 235
1927, Chapter 14 48
1927, Chapter 26 148
1927, Chapter 100 33-4
1927, Chapter 147 9
1927, Chapter 152 9
1927, Chapter 219 9
1927, Chapter 232 371

Page

1927, Chapter 348 693
1927, Chapter 388 975
1927, Chapter 533 1330-1
1927, Chapter 535 770
1927, Chapter 663 565
1929, Chapter 127 706
1929, Chapter 127 1116
1929, Chapter 163 410
1929, Chapter 164 388
1929,Chapter 262 945
1929, Chapter 304 890
1931, Chapter 8 1226
1931, Chapter 48 792
1931, Chapter 69 548
1931, Chapter 84 1161-3
1931, Chapter 104 342
1931, Chapter 107 1047
1931, Chapter 121 402-3
1931, Chapter 144 269
1931, Chapter 186 402-3
1931, Chapter 190 1131
1933, Chapter 23 291
1933, Chapter 23 342
1933, Chapter 67 261
1933, Chapter 82 79
1933, Chapter 176 94

Page

1933, Chapter 231 792
1933, Chapter 236 709
1933, Chapter 245 308
1933, Chapter 282 373
1933, Chapter 431 1037
1933, Chapter 450 15
1933, Chapter 467 356
1933, Chapter 497 767
1933, Chapter 499 592
1933, Chapter 531 1217-9
1935, Chapter 63 665-6
1935, Chapter 86 30
1935, Chapter 21 912-4
1935, Chapter 103 46
1935, Chapter 112 783
1935, Chapter 160 1407
1935, Chapter 226 1050
1935, Chapter 249 1034
1935, Chapter 371 288
1935, Chapter 391 1388
1935, Chatper 559 343
1937, Chapter 5 116-7
1937, Chapter 26 1174
1937, Chapter 144 1047
1937, Chapter 169 908
1937, Chapter 176 789

Page

1937, Chapter 251 379
1937, Chapter 262 410
1937, Chapter 273 770
1937, Chapter 316 874
1937, Chapter 383 1050
1937, Chapter 389 1048-9
1937, Chapter 407 905
1937, Chapter 558 591-2
1937, Chapter 596 33-4
1937, Chapter 614 1129
1938, Chapter 2 376
1939, Chapter 13 608
1939, Chapter 33 229
1939, Chapter 50 377
1939, Chapter 53 932
1939, Chapter 67 74-6
1939, Chapter 67 568
1939, Chapter 96 1048-9
1939, Chapter 127 588
1939, Chapter 148 1197
1939, Chapter 152 602
1939, Chapter 158 979-1004
1939, Chapter 168 95-7
1939, Chapter 242 360
1939, Chapter 243 359
1939, Chapter 256 383

Page

1939, Chapter 264 295
1939, Chapter 268 938
1939, Chapter 294 1037
1939, Chapter 306 1415-6
1939, Chapter 310 11
1939, Chapter 312 1181-2
1939, Chapter 328 174
1939, Chapter 334 912-4
1939, Chapter 341 542
1939, Chapter 358 761
1939, Chapter 366 283-5
1939, Chapter 366 393
1939, Chapter 366 822-5
1939, Chapter 366 863
1939, Chapter 366 1096-7
1939, Chapter 368 821
1939, Chapter 402 193
1939, Chapter 404 1172
1939, Chapter 417 718
1939, Chapter 465 567
1939, Chapter 488 1049
1939, Chapter 510 1102-3
1939, Chapter 573 1214-5
1939, Chapter 588 592
1939, Chapter 590 592
1939, Chapter 609 199-203

Page

1941, Chapter 28 1307
1941, Chapter 73 1166-7
1941, Chapter 84 837-8
1941, Chapter 98 151-2
1941, Chapter 99 652
1941, Chapter 100 296
1941, Chapter 118 564
1941, Chapter 137 973-4
1941, Chapter 153 282
1941, Chapter 165 60
1941, Chapter 190 38
1941, Chapter 223 411
1941, Chapter 234 409
1941, Chapter 250 347
1941, Chapter 256 1302
1941, Chapter 289 868
1941, Chapter 293 339
1941, Chapter 296 118
1941, Chapter 306 849
1941, Chapter 307 579-80
1941, Chapter 312 1333
1941, Chapter 313 593
1941, Chapter 317 94
1941, Chapter 318 942
1941, Chapter 324 1413
1941, Chapter 343 59

Page

1941, Chapter 344 138
1941, Chapter 364 1041-2
1941, Chapter 440 819-20
1941, Chapter 474 192
1943, Chapter 6 9
1943, Chapter 8 374
1943, Chapter 18 1238-9
1943, Chapter 29 267
1943, Chapter 33 1207
1943, Chapter 49 9
1943, Chapter 61 1176-7
1943, Chapter 80 1307
1943, Chapter 96 336
1943, Chapter 116 297
1943, Chapter 125 568
1943, Chapter 133 59
1943, Chapter 156 598
1943, Chapter 185 410
1943, Chapter 190 178
1943, Chapter 227 366
1943, Chapter 240 767
1943, Chapter 245 269
1943, Chapter 262 709
1943, Chapter 264 75
1943, Chapter 278 1184
1943, Chapter 290 358

Page

1943, Chapter 304 19
1943, Chapter 306 942
1943, Chapter 314 117-8
1943, Chapter 316 546
1943, Chapter 317 1319
1943, Chapter 323 787
1943, Chapter 324 242
1943, Chapter 325 557
1943, Chapter 330 849-50
1943, Chapter 333 268
1943, Chapter 339 1090
1943, Chapter 349 1131-2
1943, Chapter 390 178
1943, Chapter 397 933
1943, Chapter 427 298
1943, Chapter 433 787
1943, Chapter 453 150
1943, Chapter 455 945
1943, Chapter 485 75
1943, Chapter 493 375
1943, Chapter 517 909
1943, Chapter 528 1180
1943, Chapter 575 340
1943, Chapter 585 179
1943, Chapter 586 77
1943, Chapter 601 151-2

Page

1943, Chapter 614 912-4
1943, Chapter 627 978
1943, Chapter 645 828
1943, Chapter 658 1364
1943, Chapter 679 413
1943, Chapter 685 411
1943, Chapter 692 379
1943, Chapter 706 12
1943, Chapter 708 843-5
1943, Chapter 723 1199
1943, Chapter 768 235
1943, Chapter 772 939
1945, Chapter 39 1298
1945, Chapter 50 59-60
1945,Chapter 127 1045
1945, Chapter 281 1424
1945, Chapter 326 1184
1945, Chapter 426 1416-7
1945, Chapter 490 1117
1945, Chapter 526 1452
1945, Chapter 622 1229
1945, Chapter 723 1418-9
1945, Chapter 804 1339
1945, Chapter 832 1338
1945, Chapter 927 1422
1945, Chapter 1046 1455

Page

Lawyers—See under Attorneys at Law.

Leaksville:

Amending Charter 181-92

Extending corporate limits 230-3

Lee County:

Creating Lee County Board of Veterans Affairs and authorizing employment of County Veterans Service Officer 839-41

Exempting County from Chapter 1036 of 1945 Session 1358

Fixing pay of County Commissioners 871

Legislature—See General Assembly

Lenoir:

Authorizing Town and Caldwell County to regulate or prohibit sale of wine 1404-5

Creation of Morganton-Lenoir Airport Authority 398-401

Lenoir County:

Annual Reports of Clerk of Superior Court 230

Authorizing 10% increase in salaries of teachers 76

Authorizing 10% increase in salaries of vocational agriculture and home economics teachers 1114

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Fixing salaries of Sheriff, Clerk of Court and Register of Deeds 1128-9

Relating to commissions on agricultural advances 945-6

Transferring certain criminal cases to Superior Court 708

Lentz, W. B.

Authorizing reimbursement of certain expenses incurred in connection with trial in Wilkes County 1310-2

Page

Lewis, N. R.

Relating to damages caused by school bus 1015

Lexington:

Violations of City Ordinances 79

License Tax—See under Revenue Act.

Lieutenant Governor—See under State Officials

Libraries:

Authorizing counties and municipalities to establish and operate free libraries jointly 556-7

Authorizing Gaston County to levy special tax for Public Library 1422-3

In Charlotte and Mecklenburg County 719-22

Relating to elections for taxes for public library 1316-7

Life Insurance—See under Insurance

Lincoln County:

Authorizing employment of Veterans Service Officer 873-4

Lincolnton:

Amending Charter 224-5

Liquor—See Alcoholic Beverages

Livestock:

Currituck County, Misdemeanor to permit to run at large 412

Providing for election in Hogback Township in Transylvania County on hogs running at large 1165

Vance County, Misdemeanor to permit to run at large 403

Loan Agencies—See Banks and Banking

Page

Louisburg:

Authorizing sale of certain property 135-7

Lumberton:

Amending Charter 308-10

Clerk of Recorder's Court 306

Fixing pay of City Commissioners 289

M

Macon County:

Extending to County certain provisions of Section 18-77 regarding prohibition of sales of beer and wine on Sunday 1358

Placing Macon County under the State-wide Primary Law 1131-2

Madison County:

Applying provisions of Section 28-68 to County, regarding administration of certain assets by the Clerk 163

Authorizing County Commissioners to decline to issue licenses to sell wine 1102

Fixing salary of Sheriff 792

Increasing tax rate for road bonds in certain townships 373

Magistrates—See Justices of Peace under Courts

Marriage:

Amending Chapter 1046 of 1945 Session, Page 1373, to exempt Beaufort and Hyde Counties 1453

Prohibiting a justice of peace, who is register of deeds, from performing marriage ceremony 1157

Relating to treatment of diseased marriage applicants 810-1

Page

Requiring nonresidents to apply for licenses to marry 48 hours before issuance, to apply to only certain counties 1373-4

Married Women:

Capacity to contract 90

Conveyances by 84-92

Contracts with husband 91

Form of acknowledgment 89-90

Mars Hill:

Amending Charter relative to officers, their election and their terms 799

Martin, Hugh:

Relating to damages caused by school bus 1077-8

Martin County:

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Transfer of certain criminal cases from Recorder's Court to Superior Court 129

Meal—See Weights and Measures.

Mecklenburg County:

Amending Chapter 832 of 1945 Session, postponing effective date to October 1, 1946 1338

Authorizing County Commissioners to select Judge of Recorder's Court 936

Authorizing special taxes for relief of poor and certain other purposes 765

Bingo legalized in certain instances 901

Page

Carnegie Public Library, Relating to Board of Trustees of 1096-7

Collector of Revenue of County 28-30

Defining Public Parks and Drives 355

Election Officials 219

Fixing salaries of Clerk of Court and Register of Deeds 1225

Fixing salary of Chairman of Board of Commissioners 598

Limitation on tax suits 1152

Listing Taxes 31-3

1921 Act relating to Health Fund repealed 36

1937 Act relating to taxes repealed 33

Providing referendum on tax levy for public library 719-22

Relating to ice cream plants, creameries, etc 1037

Relating to drawing grand jurors 614

Relating to sale and use of Pyrotechnics 1130

Salary of Treasurer 30

Memorials:

Relating to erection of Memorial to former Presidents Andrew Jackson, Andrew Johnson and James K. Polk 1078-9

See War Memorials

Mental Diseases:

Providing for observation, examination, commitment, care and treatment of mental defectives, persons suffering with mental diseases, including idiots, imbeciles, inebriates, and insane criminals 1251-70

Mental Health Council 1269-70

Midgett, P. D.

Relating to damages caused by school bus 1167

Page

Middlesex:

Decreasing number of Aldermen and increasing tax rate 693

Military Service—See Armed Forces

Minor Children:

Instrument affecting custody 91

Minor Spouses of Veterans—See under Veterans.

Minor Veterans Enabling Act—See under Veterans.

Mitchell County:

Authorizing Commissioners to employ assistants for clerk and register of deeds 1181

Authorizing pay for Board of Welfare 395

Fixing salary of Sheriff and authorizing telephone service in Sheriff's office in jail 1172-3

Providing for nominations for Democratic candidates for County Offices by Convention 1201

Relating to fox hunting 1155

Relating to procedure in changing a person's name 540

Monroe:

Providing referendum on proposal to extend corporate limits of Monroe to include Benton Heights and to dissolve corporate existence of Benton Heights 836-7

Montgomery County:

Authorizing County and municipalities to regulate or prohibit sale of wine 1409-10

Providing special fee for capture of liquor still 381

War Bonus for Clerk, Sheriff and Register of Deeds 268

Page

Moore Central Railway Company—See Randolph and Cumberland Railway Company.

Moore County:

Authorizing adjustment of certain taxes 238

Authorizing county and municipalities to regulate or prohibit sale of wine 1409-10

Authorizing county and municipalities to refuse to issue licenses to sell wine 1239

Authorizing employment of Veterans Service Officer 587

Prohibiting election on Liquor Stores before June 1947 1364

Relating to pay for clerk and register of deeds 849-50

Morehead City:

Authorizing sale of certain property 270

Morganton:

Creation of Morganton-Lenoir Airport Authority 398-401

Repealing Chapter 692 of 1943 Session and reenacting Chapter 104 of 1913 Session 379

Mortgages and Deeds of Trust:

Providing for cancellation of certain mortgages and deeds of trust 1420-1

Relating to cancellation of certain mortgages 1303

Validating certain cancellations by cestui trust instead of Trustee 1301-2

Moser, Mrs. E. H.

Relating to damages caused by school bus 1026-7

Motor Vehicles:

Authorizing department of Motor Vehicles to reimburse W. B.

Page

Lentz certain expenses incurred in connection with trial in Wilkes County 1310-2

Deferred payments for licenses 58

Prescribing method for marking State owned vehicles 1180

Relating to certain leased vehicles and to contract and franchise haulers 570

Relating to franchise bus carriers and haulers 804-5

Relating to franchise hauler vehicles 1156

Relating to functions of State Utilities Commission 1024-5

Relating to licensing four axle vehicles, etc. 798-9

Relating to registration fees for certain trailers 1274

Relating to liens for storage charges 1009-10

Relating to maximum length, axle, load, etc. 276

Relating to minimum age limits for drivers 1153-4

Relating to registration plates, private motorcycles, farmer license, remedies for collecting motor vehicle taxes, docketing liens, cancelling licenses, etc. 805-10

Relating to transfer of certain vehicles 337

Requiring law enforcement officers to refer to State Courts cases, involving vehicles seized for unlawful transportation of liquor 1089

Requiring notice to Commissioner of sales under mechanic's liens 261

Mount Airy:

Authorizing conveyance of certain property to U. S. Government for site of Veterans Hospital 922-3

Authorizing Town and Surry County to regulate or prohibit sale of wine in Mt. Airy Township 1236-7

Mount Holly:

Fixing area of jurisdiction of Recorder's Court 1315

Page

Mouth Hygiene Act—See North Carolina State Board of Dental Examiners.

Municipalities:

Amending Municipal Capital Reserve Act 640-2

Extending time for funding interest on Bonds 640-2

Relating to Fiscal Control 233

Relating to liability of Contractors 1169

Changing Corporate limits:

Ahoskie 818-9

Belhaven 47-8

Belmont 49-50

Bryson City 1214-5

Canton 298-303

Cary 1395-6

Clarkton 380

Colerain 846-7

Concord 660-2

Conover 311

Edenton 387

Greensboro 1365-70

Hamilton 349-54

Hertford 825-6

Jacksonville 59-60

Jamesville 829-35

Leaksville 230-3

Monroe 836-7

Page

New Bern 663-5
Old Fort 845-6
Robbins 665-6
Rolesville 837-8
Ruth 931-2
Siler City 671
Wilmington 206-12
Winton 929-30
Woodland 828

Murphy:

Relating to term of office and election of Mayor and Town Commissioners 589

Mutual Burial Associations:

Amending Sections 58-226 et al of General Statutes 143-4

Mc

McDowell County:

Authorizing County and municipalities to regulate or prohibit sale of wine 1304-5
Relating to clerical help in offices of Clerk and Register of Deeds 593
Relating to Grand Juries 764
Relating to salaries of clerk, register of deeds, sheriff and certain assistants 491-2

N

Names of Persons:

Chowan County, Procedure for changing in 617-8

Page

Mitchell County, Relating to procedure in changing 540

Prohibiting use of "Army" or "Navy" in name of any commercial mercantile concern 1190-1

Relating to changing names of persons 49

Nance, John D.

Relating to damages caused by school bus 1015-6

Nash County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Exempting County from provisions of Section 2-28 relating to probate and registration fees for certain Federal liens 94-5

Exempting County from certain provisions of Section 67-13, relating to license taxes on dogs 93

Fixing pay of Jurors 1419

Relating to raising bids in foreclosure sales 93

Relating to Recorder's Court 235

Salaries of Clerk, Register of Deeds and Sheriff 94

Salaries of County Commissioners 94

Nashville:

Authorizing tax levy for operating expenses 138

Establishment of traffic bureau 742-3

Negro Training School for Feeble Minded Children:

Providing for establishment and operations 626-30

New Bern:

Amending Charter relative voting precincts 80-1

Page

Authorizing conveyance of certain property 79

Providing referendum on proposal to extend corporate limits 663-5

Validating certain previous conveyances 79

New Hanover County:

Authorizing cancellation of taxes against certain property of American Legion 1158

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Creating Boxing and Wrestling Commission 1228-9

Extending time for issuance of certain bonds 376

Fixing Terms of Superior Court 1038

Making Adelaide J. Peiffer and Columbia Munds eligible for Retirement System 614

Providing a referendum on the establishment of a Junior College 1388-90

Relating to fishing regulations 1328-9

Relating to form for chattel mortgage and fixing probate and registration fees 1175-6

Relating to salaries of county officers 1415-6

Relating to salaries of Judge and Solicitor of Recorder's Court 848-9

Regulating Professional Bondsmen 924-6

New London:

Prohibiting sale of wine within radius of one mile of High School 1337

Nonresident Tourist License:

Relating to fishing license fees for nonresidents 752

North Carolina Aeronautics Commission—Creation and Operations 226-8

Page

North Carolina Cape Hatteras Seashore Commission:

Authorizing Commission to postpone the acquisition of lands and to discontinue certain condemnation proceedings 1117-8

North Carolina Emergency War Powers Act Reenacted 12-3

North Carolina Flour, Bread and Corn Meal Enrichment Act:

Relating to enrichment of certain breads and vesting power of administration in Commissioner of Agriculture 891-4

North Carolina Funeral Directors and Burial Association, Inc.:

Relating to appointment of State Board of Embalmers 119-120

North Carolina Hospitals Board of Control:

To control The Negro Training School for Feeble Minded Children 626-30

North Carolina Hospital for Treatment of Spastic Children:

Establishment and operations 697-9

North Carolina Industrial Commission—See under Workmen's Compensation Laws.

North Carolina Medical Care Commission:

Creating Commission, providing for its membership and their appointment, employment of Executive Secretary, contribution for indigent patients, biennial appropriation, hospital building program, Medical Student Loan Fund, expansion of Medical School of University of North Carolina, medical training for negroes, etc. 1425-30

North Carolina Pharmaceutical Association:

Relating to license fees, etc. 801-2

North Carolina Recreation Commission:

Creating Commission, regulating appointment of members, their

Page

terms of office, meetings, duties, functions and of powers, providing for employment of Executive Director and appointment of Advisory Committee and granting an appropriation for work of Commission 1062-5

North Carolina Seed Law:

Administration by Commissioner of Agriculture 1142-4

Definitions 1135-8

Inspection and license fees 1144

Invoices and records must be preserved 1140

Prohibitions 1140

Seizure of prohibited seeds 1144

Tag and Label Requirements 1138-40

Violations and procedure 1145-6

North Carolina State Board of Dental Examiners:

Regulating the practice of dental hygiene and vesting in Board authority and responsibility of administration 886-90

North Carolina State Board of Health—See State Board of Health

North Carolina State Commission for the Blind—See under State Departments

North Carolina State Ports Authority:

Creating Authority, providing for appointment of its members, and prescribing its aims, functions and powers 1431-7

North Carolina Vocational Textile School:

Providing for Board of Trustees to be appointed by the Governor, outlining powers of said Board, etc. 1113

North Carolina Unemployment Compensation Commission—See Unemployment Compensation.

Page

North Carolina Veterans Commission:

Amending Chapter 723 of 1945 Session 1418-9

Creating Commission, providing for appointment by Governor and prescribing duties, functions and powers 1019-23

Northampton County:

Authorizing County and municipalities to regulate or prohibit sale of wine 1233-4

Relating to fishing regulations 1328-9

Salaries of certain county officials 116-8

Norwood:

Authorizing issuance of bonds for sanitary sewer purposes 973

Notary Public:

Validating acknowledgments before certain Notaries 161

Validating acts of certain Notaries 917

Notes—See Bonds and Notes

O

Oakdale Cemetery:

Amending 1931 Act, regarding management and operation 548

Oil and Gas Conservation Act:

Requiring persons, drilling, to register, furnish bond and file reports and making violation a misdemeanor 1073

Regulating operations for discovery and production of natural gas and oil 951-72

Old Fort:

Extending corporate limits 845-6

Page

Oleomargarine:

Prohibiting serving colored oleomargarine in public eating places 740

Onslow County:

Appropriation of A. B. C. Funds for County Hospital 45

Authorizing certain corrections in tax levy for 1944 1250-1

Limitations on tax suits 1152

Orange County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Authorizing War Bonus to county officials and employees 272

Fixing salaries of Clerk, Sheriff, Register of Deeds, Treasurer et al 273-6

Making certain 1935 Act applicable to County 343

Oxford:

Relating to joint airport with Henderson and Granville and Vance Counties 609-13

Oysters—See Sea Food

P

Pace, Burlie Maude

Relating to damages caused by school bus 1296

Pace, Elsie

Relating to damages caused by school bus 1296

Pages and Other Employees of General Assembly

Providing bonus 1336-7

Page

Pamlico County:

Authorizing special taxes for farm agent and county accountant 1395

Relating to records of fees collected for recording deeds and other instruments 901

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Parkton:

Relating to selection of officials, their duties and powers, inspection and condemnation of buildings, etc. 1108-10

Partition Proceedings:

Authorizing Sheriff or Deputy to administer oath to Commissioners 652

Pasquotank County:

Authorizing additional funds for Sheriff's Office 944-5

Pay of County Commissioners 127

Pay of Chairman of Board of Education 127

Placing certain collections in general fund 1058

Relating to salary of deputy clerk 358

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Pearce, J. L.

Relating to damages caused by falling building material 811-2

Pembroke:

Amending charter 565-7

Pembroke State College for Indians:

Relating to corporate powers, selection of Trustees, eligibility for admission, etc. 1123-7

Page

Pender County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Fixing certain fees to be charged by Register of Deeds 590-1

Fixing certain fees to be charged by Sheriff 590-1

Fixing pay of Clerk, Sheriff and other county officials 937

Fixing pay of County Commissioners 1245

Fixing salary of Assistant Clerk of Superior Court 1196-7

Fixing salary of Deputy Sheriff 1197

Fixing Terms of Superior Court 1039

Relating to fishing regulations 1328-9

Recorder's Court, transfer of certain cases to Superior Court 73

Validating certain acts of Johnny Garrison, Justice of Peace 238

Pension and Retirement Funds:

Aberdeen—Applying provisions of Chapter 526 of 1945 Session 1055

Amending General Statutes, regarding Firemen's Relief Fund 92-3

Amending General Statutes, regarding Firemen's Relief Fund 199

Amending General Statutes, regarding Retirement System for counties, cities and towns 743-9

Asheville—For Firemen 359

Asheville—For Policemen 360

Asheboro—Applying provisions of Chapter 526 of 1945 Session 1452

Buncombe County—Applying to County Chapter 526 of 1945 Session 1421

Charlotte, Relating to Firemen's Retirement Fund 579-80

Forsyth County—Authorizing Retirement Plan for County Employees 344-6

Page

Gastonia—For Firemen 132-5

Gastonia—For Firemen 192

Granville County—Making county subject to Chapter 526 of 1945 Session 1418

Greensboro—Providing for Employees Retirement Fund 667-9

High Point—Amending 1941 Act 339-42

High Point—For Employees of 40-2

Membership of certain persons in State Retirement System 1105

Rutherford County—Applying provisions of Chapter 526 of 1945 Session 1411

Relating to State System 1230

Union County—Establishment & Operations 603-6

Vance County—Applying provisions of Chapter 526 of 1945 Session 1419-20

Wilmington—Benefits & Pensions for employees 819-20

Wilmington—Firemen's Pension Fund 1174

Wilmington—Relating to retirement system for city employees 843-5

Wilmington—Relating to Policemen 938-9

Perpetuities 13

Perquimans County:

Fixing pay of Board of Education 774

Fixing pay of County Commissioners 773

Fixing pay of Jurors 774

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Person County:

Authorizing County Commissioners to fix salary of Treasurer 853-4

Page

Making certain 1933 Act Applicable 356

Phipps, Rev. J. Robert

Relating to damages caused by school bus 883-4

Photographic Recording—See Public Records

Pinebluff:

Authorizing sale of certain property and validating certain prior sales 852

Pitt County:

Authorizing employment of Veterans Service Officer 1275-6

Fixing fees for constables 1232-3

Fixing pay of County Commissioners, Clerk, Register of Deeds, Sheriff and certain Assistants 795-6

Prohibiting operation of pool tables on Sunday 1107

Relating to certain Drainage District 927-9

Relating to grand juries 1118-9

Poe, W. Grady:

Relating to damages by school bus 915

Polk, James K.—See Memorials.

Polk County:

Authorizing employment of a tax collector and abolishing office of delinquent tax collector 923-4

Authorizing special taxes for county accountant, farm agent, home demonstration agent, forest warden and the poor..... 1195-6

Relating to election of County Commissioners 14

Page

Pool Tables:

Prohibiting operations on Sunday in Pitt County 1107

Ports Authority—See North Carolina Ports Authority.

Poultry Industry—See State Department of Agriculture.

Pound—See Weights and Measures

Powers of Attorney—See Attorney in Fact.

Price, John

Relating to damages caused by school bus 1077

Primitive Baptists:

Appointment of certain trustees and conveyances of certain property 113-4

Private Examination of Married Women:

Necessity of same repealed 84-92

Prohibition Laws—See Alcoholic Beverages

Probate and Registration:

Carteret County, Validating certain instruments in 1299

Relating to probate and registration of certain instruments..... 1104

Validating certain acknowledgments 1176

Validating certain defective acknowledgments and probates..... 1115-6

Validating certain probates of wills 1130-1

Where Clerk is a party 87-8

Public Hatcheries—See State Department of Agriculture.

Page

Public Records:

Amending Chapter 286 of 1945 Session, regarding photographic recording in County offices 1245-6

Authorizing Counties to install system of photographic recording in offices of Clerk, Register of Deeds and other county offices 333-5

Public Schools—See Schools

Pulpwood—See Weights and Measures.

Purchases:

By State or other units from Federal Government 157-8

Pyrotechnics:

Relating to sale and use in Mecklenburg County 1130

Q

Quality-Southern Oil Company:

Relating to damages caused by school bus 1013-4

R

Radford, Nathan O'Berry

Relating to damages caused by school bus 1007-8

Raleigh:

Extending time for issuance of certain bonds 280

Increasing salaries of City Commissioners 564

Increasing salary of Clerk of City Court 565

Increasing salary of Judge of City Court 706

Page

Increasing salary of Prosecuting Attorney in City Court 1116

Relating to Durham-Raleigh Airport 95-7

Relating to elections in City 774-83

Randolph and Cumberland Railway Company:

Changing name to Moore Central Railway Company 1177

Randolph County:

Authorizing Asheboro and Randolph County to operate airport jointly 655-8

Providing for laborer's lien for landscaping 371

Repealing certain 1941 Act regarding Grand Juries 118

Ray, V. H.

Relating to damages caused by school bus 1067-8

Receivers and Receiverships:

Requiring notice to Claimants before order for distribution 257

Recorder's Courts—See under Courts

Recreation—See North Carolina Recreation Commission; See, also, Recreation Enabling Act.

Recreation Commission—See North Carolina Recreation Commission.

Recreation Enabling Act:

Relating to creation and operation of Recreation Boards, recreation programs and systems by Cities, Counties and other units 1379-83

Red Springs:

Creating Airport Commission and prescribing its aims, functions, powers and plans for operations 1438-40

Page

Reich, J. R.

Relating to damages by school bus 917

Rest Homes—See Homes

Retirement Fund—See Pension and Retirement Fund.

Revalution of Real Property 11

Revenue Act of 1939, Act of 1945, Amending and Supplementing 979-1004

Revenue Act of 1939, Amendments to:

Beverage Control Act, Article VI, Schedule F:

Amending Section 501, Subsection (b), relating to wine 1211

Amending Section 504, relating to wine 1211

Amending Section 505, relating to wine 1212

Amending Section 506, relating to wine 1212

Amending Schedule F, by inserting Section 506(a), relating to agreements and devices tending to create exclusive outlets 997-8

Amending 509½, relating to wine 1212

Amending Section 510 998

Amending Section 511 998

Amending Section 513, regarding hearings in cases where licenses are refused 998

Amending Section 514 999

Amending Subsection (a) of Section 517 999

Amending Subsection (b) of Section 517, regarding evidence of tax payment 999

Amending Subsection (s) of Section 517, regarding revocation of certain licenses 599

Amending Schedule F, by inserting Section 518(b), regarding purchases from unlicensed nonresidents 1000

Amending Section 518½, relating to wine 1213

Page

Amending Schedule F, by inserting Section 522(a) exempting sacramental wine **1000**

Amending Section 523, regarding penalties for unlicensed operations 1000

Inserting new Section 524(a), regarding wine **1214**

Amending Schedule F, by inserting Section 525(a), regarding licenses on more than one business **1000**

Amending Section 528(d) **1001**

Amending Section 517(r) to increase tax on wine **1001**

Amending Section 528(h) **1001**

Codification of Revenue Act of 1939 and All Amendments 1004

Compensating Use Tax, Article IX, Schedule I:

Amending Sections 801 and 805 1003

Consolidated Statutes, References to Be Eliminated and Appropriate References to the General Statutes to Be Substituted 1004

Franchise Tax, Aricle III, Schedule C:

Amending Section 201, relating to corporate privilege taxes 986

Amending Section 202, by adding Subsection (g) relating to franchise taxes on railroads 986

Amending Subsection (6) of Section 203 987

Repealing Section 208 and numbering Section 208½ as Section 208 1051

Amending Subsection (2) pf Section 210, relating to corporations 987

Amending Subsection (4) of Section 210 987-8

Amending Subsection (1) of Section 211 988

General Administration, Article X, Schedule J:

Repealing Section 934 1003

Page

General Statutes, Amendments to Sections of the Revenue Act Deemed to Be Also Amendments to Appropriate Sections of the General Statutes 1004

Gift Tax, Article VI, Schedule G:

Amending Paragraph 3, Subsection (c) of Section 600, regarding certain gifts to charitable, educational and religious organizations 1001

Gross Earnings Taxes in Lieu of Ad Valorem Taxes, Article IX, Schedule I-A

Amending Title 1003

Income Tax, Article IV, Schedule D:

Amending Section 311 1057

Amending Section 312, relating to certain railroads 988

Amending Section 314 by adding new subsection, relating to certain profiting sharing arrangements 988-9

Amending Section 314, regarding Insurance Companies 1057

Amending Section 317, relating to recoveries of charged-off debts 989

Amending Section 317, Subsection 2 by adding new subdivision, relating to rental value of dwellings used by ministers 989

Amending Section 317, regarding Insurance Companies 1057

Amending Section 318 by adding new subdivision relating to exemptions for certain trusts 989-90

Amending Section 318½ 990

Amending Section 322, regarding Insurance Companies 1057

Amending Subsection (6) of Section 322, relating to certain losses 990-2

Amending Section 322 by adding new subdivision, regarding certain deductions 992

Amending Section 322 by adding new subsection to be known as 9½ regarding deductions 993

Amending Subsection 10 of Section 322, regarding income earned in another State 993-4

Page

Amending Subsection 12 of Section 322 995

Amending Section 322 by adding Subsection 13, regarding certain trusts 995

Amending Subdivision (e) of Subsection 1 of Section 324 995

Amending Section 324, Subsection 1, Subdivision (e) 995

Amending Section 324, Subsection 1, Subdivision (f) 995

Amending Section 324, Subsection 1, by adding subdivision (g), regarding certain divorced persons 995

Amending Subsection 3 of Section 326, regarding execution of corporate returns 995-6

Amending Subsection 2 of Section 328, regarding partnership returns 996

Inheritance Tax, Article I, Schedule A:

Amending Section eleven, Subdivision (b), Subsection two, Paragraph three 979

Amending Section twenty-one and one half 979

Intangible Personal Property Tax, Article VIII, Schedule H:

Amending Section 701, regarding dates for reports and payments by banks 1001

Amending Section 705, regarding certain corporations 1002

Amending Section 705, regarding Insurance Companies 1057

Amending Section 712 1002

Amending Section 713 1002

Amending Section 714 1002-3

License Tax, Article II, Schedule B:

Amending Subsection (f) of Section 105, relating to athletic contests 980

Amending Section 109½, relating to business operated in two or more towns 980

Page

Amending Section 121, Subsection (b), relating to licenses for peddlers 980

Amending Section 121, Subsection (e) 980

Amending Section 121, Subsection (f), extending exemption to Veterans of Second World War 980-1

Amending Section 124, Subsection (c) 981

Amending Section 130, relating to licenses for music machines 981-2

Inserting Section 130½, relating to merchandising dispensers and weighing machines 982-4

Amending Section 150 984

Amending Subsection (1) of Section 153 984

Amending Section 153, Subsection (1) (a) 984

Amending Section 155, relating to plumbers 984

Amending Subsection (a) of Section 161, relating to ice cream 984-5

Amending Subsection (c) of Section 161, relating to ice cream 985

Amending Section 162 985

Amending Section 192 985

Sales Tax, Article V, Schedule E:

Amending Subsection 8 of Section 404 996

Amending Subdivision (k) of Section 406, regarding certain sales of drugs and medical supplies 996

Amending Section 406 by adding Subsection (s) regarding sales of certain agriculture supplies 996

Amending Section 406 by adding Subsection (t) regarding sales of certain motor supplies 997

Taxes Upon Insurance Companies, Article IX-B, Schedule I-B:

Fixing annual registration fees for Insurance Companies 1052-3

Fixing annual registration fees for Agents, Brokers and others 1055

Taxes measured by gross premiums 1053-4

Taxes in case of withdrawal from State 1054

Page

Reynolds Park:

Prohibiting sale of wine within one half mile 1316

Richmond County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Authorizing County and municipalities to regulate or prohibit sale of wine 140-1

Roanoke Island Historical Association:

Placed under control and patronage of the State 1270-2

Roanoke Rapids:

Authorizing tax levy 568

Relating Recorder's Court of Halifax County 869

Robbins:

Extending corporate limits 665-6

Robbinsville:

Rural policeman 42-3

Robeson County:

Appointment of Clerk of Recorder's Court of Lumberton 306

Authorizing County and municipalities to regulate or prohibit sale of wine 1240

Exempting County from certain provisions of Section 67-13 of General Statutes 126

Providing for creation of revolving fund from certain delinquent taxes 672

Relating to fishing regulations 1328-9

Relating to salaries of Clerk of Court and Register of Deeds 973-4

Salaries of Judges and Solicitors of Recorder's Courts 306

Page

Validating certain sales of property and certain tax adjustments 672-3

Rockdale Public School District:

Relating to appointment of Trustees 942

Rockingham:

Authorizing Town to regulate or prohibit sale of beer, ale or wine between seven P. M. Saturday and seven A. M. following Monday 1235-6

Making applicable to the Rockingham the provisions of certain subsections of Section 160 - 200 relating to taxicabs 192

Rockingham County:

Authorizing Commissioners to regulate salaries of Clerk, Register of Deeds and their assistants 707-8

Authorizing employment of Veterans Service Officer 365

Filing Maps of real estate 63-5

Fixing pay of County Commissioners 279

Making certain 1933 Act applicable 356

Relating to criminal terms of Superior Court 652

Rocky Point—Cancelling Charter and dissolving corporate existence 1227

Rolesville:

Extending corporate limits 837-8

Rose Hill:

Authorizing Town to refuse to issue any licenses to sell wine 1281

Rowan County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Fixing fee for serving process of Justices of Peace 406

Fixing pay of jurors 266

Page

Relating to drainage districts 768

Relating to Jurors 1216-7

Rural Electrification Authority:

Relating to assistance to rural communities in procuring adequate telephone service 1169-71

Rural Policeman:

In Graham County 42-3

Russ, C. L.

Authorizing refund of overpayment on gasoline tax 1327-8

Ruth:

Fixing corporate limits 931-2

Rutherford County:

Authorizing County and municipalities to regulate or prohibit the sale of wine 1409-10

Authorizing employment of Veterans Service Officer 1332-3

Authorizing special taxes for county accountant, farm agent, home demonstration agent, forest warden and relief of poor 1423-4

Authorizing transfer of delinquent taxes to general fund 1333

Fixing salaries of sheriff, clerk and register of deeds 841

Making applicable to County certain provisions of Chapter 526 of 1945 Session, relating to Retirement System 1411

Providing for prorating expenses of court reporter 1329

Relating to delinquent taxes 1333

Relating to joint operations with Alexander School, Inc. 930-1

Relating to maps, surveys and deeds 1330-1

Relating to Sheriff's Office 868-9

Page

Rutherfordton:

Providing for inclusion in costs to be paid by defendants in criminal cases one dollar for maintenance of police cars 786

Relating to residence of policemen and sale of certain property 868

S

Salaries—General:

Chairman of State Highway and Public Works Commission 1201-2

Engrossing Clerk Assistants 13

Judges of the Superior Court 1071

Lieutenant Governor 1

Private Secretary to Governor 56

School Principals 724

Solicitors 1072

Salaries—Local:

Alamance County, Clerk, Sheriff and Register of Deeds 259

Alexander County, Clerk of Court, Register of Deeds and Sheriff 101-2

Alleghany County, Commissioners of 263

Alleghany County, Board of Education 936-7

Anson County—Sheriff, Clerk of Court, and Register of Deeds 1241-3

Aulander—Mayor of 688

Avery County, Commissioners of 194

Belhaven—Fixing pay of Aldermen 406

Bertie County—Board of Education, Board of Health and Board of Welfare 850

Bessemer City—Town Commissioners 574

Bladen County, County Commissioners 297

Page

Brunswick County—Judge of Recorder's Court, County Commissioners et als 1409

Buncombe County, Register of Deeds and Tax Supervisor 770

Burke County—County Commissioners 1414-5

Cabarrus County, County Commissioners of 174

Cabarrus County—Treasurer of 30

Caldwell County, Register of Deeds of 159-60

Camden County—County Commissioners of 361

Camden County—Chairman of Board of Education 361

Carteret County—County Officials 598-9

Caswell County—Sheriff and County Commissioners 1387

Clay County—Clerk of Court, Register of Deeds and County Commissioners 1309-10

Columbus County—Clerk, Register of Deeds, Tax Supervisor 783-4

Columbus County—Judge of Recorder's Court 1408

Columbus County—Sheriff and Deputy Sheriff 1241

Columbus County, Tax Collector 847

Cumberland County—Board of Education 1244

Cumberland County—County Commissioners of 362

Currituck County—Board of Welfare of 396

Currituck County—Board of Education 602

Currituck County—County Accountant 608-9

Currituck County—County Commissioners 601

Davidson County—Commissioners of 78

Davie County—Several County Officials 571

Duplin County—Commissioners, County Attorney, Judge, Prosecuting Attorney and Deputies Sheriff of 74-6

Durham County—County Officials 787-9

Edenton—Mayor and town Councilman 601

Page

Edgecombe County—Sheriff and Deputies 709-10
Elon College—Mayor, Town Commissioners and Treasurer 114-5
Franklin County—Deputy Sheriff 410
Gates County—Commissioners and Board of Education 267
Halifax County—County Commissioners 711
Halifax County—Board of Education 711
Halifax County—Sheriff of 101
Hamlet—Judge of Recorder's Court 608
Harnett County—County Commissioners 1193-4
Haywood County—County Accountant 767
Haywood County—County Manager 1049
Haywood County—Tax Supervisor and Collector 1049
Henderson County—County Officials and Employees 933
Hertford County—County Commissioners 771
Hertford County—Deputy Clerk and Deputy Register of Deeds 695
Hertford County—Register of Deeds and County Accountant 772
Hertford County—Sheriff 772
High Point—Clerk of City Court 693-4
High Point—Mayor and Councilmen 1047
Hoke County—County Commissioners 607-8
Iredell County—Register of Deeds 687
Jackson County—County Commissioners 269
Johnston County—Commissioners 784
Jones County—Placing certain county officials on salary basis 942-4
Lee County—County Commissioners 871
Lenoir County—Sheriff, Clerk of Superior Court and Register of Deeds 1128-9
Lumberton—City Commissioners 289

Page

Madison County—Sheriff 792
Mecklenburg County—Chairman of Board of Commissioners 598
Mecklenburg County—Clerk of Court and Register of Deeds 1225
Mecklenburg County—Treasurer of 30
Mitchell County—Board of Welfare of 395
Mitchell County—Sheriff of 1172
McDowell County—Clerk, Register of Deeds and Sheriff 591-2
Nash County—Clerk, Register of Deeds & Sheriff 94
Nash County—County Commissioners 94
Northampton County—Certain County Officials 116-8
Orange County—Clerk, Sheriff, Register of Deeds, Treasurer et al 273-6
Pasquotank County—County Commissioners of 127
Pasquotank County—Chairman of Board of Education of 127
Pender County—County Commissioners 1245
Pender County—Clerk, Sheriff and other County Officials 937
Pender County—Assistant Clerk of Superior Court 1196-7
Perquimans County—Board of Education 774
Perquimans County—County Commissioners 773
Pitt County—Clerk, Register of Deeds, Sheriff and County Commissioners 795-6
Polk County—Tax Collector 924
Raleigh, Increasing Salary of City Commissioners 564
Raleigh, Increasing salary of Clerk of City Court 565
Raleigh, Increasing salary of Judge of City Court 706
Raleigh—Increasing salary of Prosecuting Attorney in City Court 1116
Robeson County—Relating to Clerk and Register of Deeds 973-4
Rockingham County—County Commissioners 279
Rutherford County—Sheriff, Clerk and Register of Deeds 841

Page

Selma, Mayor, Town Commissioners and law enforcement officers 1224-5

Stanley—Town Aldermen 577

Stokes County—Clerk of Superior Court 712

Stokes County—Increasing pay of county Surveyor 975

Surry County—Sheriff 1388

Taylorsville—Mayor and Town Commissioners 1181-2

Transylvania County—Clerk of Court—Register of Deeds, Tax Collector and Sheriff of 110-11

Transylvania County—County Accountant of 46

Transylvania County—Tax Supervisor of 47

Tyrrell County—Clerk, Register of Deeds, Sheriff, County Commissioners and Board of Education 195

Union County—Commissioners and Judge and Solicitor of Recorder's Court 355

Union County—Deputy Sheriff 1226

Vance County—Register of Deeds of 214

Wake County—Tax Collector 789

Washington County—County Board of Education 124-5

Washington County—County Commissioners of 123-4

Washington County—Clerk of Court and Register of Deeds 1219-20

Watauga County—Sheriff 803

Wilkes County—Increasing salaries of Clerk, Register of Deeds and Sheriff 766

Yadkin County—County Commissioners of 128

Yancey County—County Accountant 269

Sales Tax—See under Revenue Act.

Salisbury:

Assessments against Church property 35

Page

Authorizing extension of time for payment of certain special assessments 1050

Saluda:

Relating to funds of Tryon-Saluda School Unit 1417-8

Sampson County:

Authorizing County and municipalities to regulate or prohibit sale of wine 1283-4

Relating to establishment of a Court Library 1454-5

Relating to fishing regulations 1328-9

Sanford:

Amending Charter, relating to certain improvements and special assessments 392

Authorizing employment of Director of Recreation 391

Authorizing Town to regulate sale of wine 1279-80

Sanitary Districts:

Authorizing certain districts to establish Capital Reserve Fund 902-3

Caswell County 33-4

Creation thereof 111-3

Schools:

Amending Chapter 622 of 1945 Session 1229

Andrews—Relating to appointment of School Trustees 1180

Asheboro—Relating to selection of Trustees of School District 573

Biennial appointment of members of County Boards of Education 1343-8

Blind Children, Relating to compulsory attendance 692

Cumberland County—Fixing pay of Board of Education 1244

Carteret County—Authorizing issuance of school bonds 694-5

Page

Currituck County—Auditing school funds 1203-4

Currituck County—Providing for transportation of certain school children in Currituck County 1354-5

Currituck County—Relating to closing schools during certain periods 1202

Currituck County—Relating to election of Board of Education 128

Currituck County—Relating to election of Superintendent of Schools 1204-5

Dividing State into eight Educational Districts 864-5

Extending certain educational advantages to children of Veterans of second World War 1157

Fairmont—Relating to School Trustees 383

Forestry—Relating to school practice forests in connection with Vocational Agricultural Schools 1356-7

Gates County—Fixing pay of Board of Education 267

Graham County—Appointment of Board of Education and School Committees 1307

Granville County—Relating to selection and term of office of Board of Education 542

Halifax County—Fixing pay of Board of Education 711

Hendersonville—Relating to Trustees of Graded School 1405

Junior College—Providing for referendum on establishment in New Hanover County 1388-90

Lenoir County—Authorizing 10% increase in salaries of teachers 76

Lenoir County—Authorizing 10% increase in salaries of teachers of agriculture and home economics 1114

New Hanover County—Providing for referendum on establishment of Junior College 1388-90

Providing credits for experience increments for teachers, principals and superintendents, serving in Armed Forces 305

Providing for dissolving certain administrative units 332

Page

Providing for fiscal control of public school funds, defining certain duties of State Board of Education, defining certain duties of Superintendent of Public Instruction and defining certain duties of Controller 752-61

Providing textbooks for eighth grade 908

Relating to age for compulsory attendance 1133-4

Relating to fuel 905

Relating to issuance of bonds by certain school districts or tax units 1102-3

Relating to kindergartens, equipment for buildings, medical and funeral expenses of children injured by school busses, school organization, termination of teaching contracts, allotment of teachers, bonds protecting school funds, lunch rooms, certain salary deductions, sick leave, purchase of equipment, and supplies, book rentals, transportation of pupils, etc..... 1284-8

Relating to Revolving Fund for use by the Counties in connection with procurement of Federal Aid in providing low cost school lunches 1086-8

Relating to salaries of school principals 723

Relating to selection and adoption of textbooks 976

Relating to Textbook Commission 976-8

Rockdale School District—Relating to appointment of Trustees of..... 942

Tryon—Appointing trustees for schools 1216

Valdese—Providing for election on special tax for certain school purposes 1206

Vocational Schools—Creating Commission on vocational schools and prescribing functions 1326-7

Vass—Lakeview School District—Authorizing referendum on special taxes for certain school purposes 1452-3

School Busses:

Craven County—Relating to payment of salaries of certain drivers 1153

Examination of Drivers 255

Page

Gates County—Inspection in 38-9

Requiring Monitors in school busses 922

Damages Caused By:

R. G. Abrams, Nash County 1031

Edwin P. Barnes, Orange County 814

W. C. Bartholomew, Franklin County 1101

W. J. Bartley—Halifax County 1331-2

D. M. Baucom—Mecklenburg County 1385-6

Ed Brooks—Davidson County 1005

W. O. Brown—Chatham County 820-1

L. D. Campbell—Mecklenburg County 1198

Gene Carpenter—Alleghany County 1023-4

George W. Chapman—McDowell County 1014

Burman Clayton, Person County 1029

K. Clyde Council 1292-3

C. C. Cox, Forsyth County 1059

Felix Cox—Lenoir County 1011-2

M. P. Crawley, Jr.—Halifax County 1069

Grady Deans—Wilson County 1027-8

John H. DeVane—Pender County 1018

T. D. Eakins—Pender County 1134-5

Mrs. Herman Forrester—Chatham County 914-5

Herman Forrester—Chatham County 916

C. R. Fowler—Surry County 1036-7

Thomas F. Fuller—Franklin County 1006-7

L. B. Funderburk 1386-7

Harriet Ann Hayes 1296

Page

B. E. Hix—Montgomery County 1199
C. E. Jarvis—Alexander County 894-5
Kent-Coffey Manufacturing Company—Caldwell County 884
W. H. Lambeth—Guilford County 812
E. F. Landers—Forsyth County 890
H. F. Latta—Orange County 1173
N. R. Lewis—Forsyth County 1015
Hugh Martin—Iredell County 1077-8
P. D. Midgett—Hyde County 1167
Mrs. E. H. Moser—Wake County 1026-7
John D. Nance 1015-6
Burlia Maude Pace 1296
Elsie Pace 1296
Rev. J. Robert Phipps—Jones County 883-4
W. Grady Poe—Chatham County 915
John Price—Iredell County 1077
Quality—Southern Oil Company—Forsyth County 1013-4
Nathan O'Berry Radford 1007-8
V. H. Ray—Madison County 1067-8
J. R. Reich—Forsyth County 919
Floyd Simmons—Caldwell County 1151
Roy Simmons—Surry County 1035-6
D. F. Stillwell—Forsyth County 918
Walter G. Temple 1295
Herman Vaden—Surry County 1185
Bennie Wells—Wilson County 1005-6
Albert Whitley—Johnston County 1026

Page

Rev. E. C. Wilkie—Martin County 1012-3

School Machinery Act—Amended 1284-8

Scotland County:

Authorizing County and municipalities to refuse to issue licenses to sell wine 1239

Relating to appointment of Trustees for Rockdale School District 942

Relating to fishing regulations 1328-9

Sea Food:

Fixing license fees for catching and dealing in fish, oysters, escallops, clams, crabs, shrimp and other sea food 1320-2

Seaboard Air Line Railway Company:

Authorizing Hamlet to convey certain property to 1248-9

Authorizing Hamlet to convey certain property to 1314-5

Scott, Guy

Authorizing reimbursement of certain expenses incurred in connection with trial in Wilkes County 1310-2

Seed—See North Carolina Seed Law

Selma:

Fixing salaries of Mayor, Town Commissioners and law enforcement officers 1224-5

Senate Bills:

Numerical Index to 1515-7

Senile Dementia—See under Forsyth County

Session Laws:

Relating to distribution 764

Page

Shelby:

Authorizing appropriation for advertising City 1120-1

Shrimp—See Sea Food

Siler City:

Extending corporate limits 671

Simmons, Floyd:

Relating to damages caused by school bus 1151

Simmons, Roy

Relating to damages caused by school bus 1035-6

Sinking Fund Commission Act 8

Small Loans—See under Banks and Banking

Smallpox:

Providing for immunization against smallpox 689-90

Snow Hill:

Authorizing town police to pursue anywhere in Greene County persons who have committed crime in Snow Hill 408

Solicitors—See under Courts

Southern Pines:

Authorizing sale of certain property 81-2

Issuance of Bonds 61-2

Validating certain Bonds 61-2

Sparta:

Authorizing Town to regulate or prohibit sale of wine 1342

Page

Spastic Ailments—See under North Carolina Hospital for Treatment of Spastic Children

Special Assessments:

Asheboro—Relating to collection of certain special assessments 575-6

Relating to Street Improvement 637

Salisbury and Spencer, Authorizing extension of time for payment of certain special assessments 1050

Salisbury—Relating to Church property 35

Sanford—Relating to certain improvements and special assessments 392

Special Judges:

Appointment by Governor 163-4

Duties and powers 164

Spencer:

Authorizing conveyance of certain property to Federal Government for Post Office site 391

Authorizing extension of time for payment of certain special assessments 1050

Authorizing Town to regulate or prohibit sale of wine 1354

Spring Hope:

Authorizing officers to make arrests within radius of three miles of corporate limits 667

Establishment of Traffic Bureau 542-3

Fixing fees of cotton weigher 1227

Stanley:

Fixing salaries of Town Aldermen 577

Page

Stanly County:

Authorizing election on issuance of bonds for war memorial 1159-60

Exempting County from Chapter 1040, regarding County Planning Boards 1361-2

Exempting County from State Primary Law in nomination of county officers and providing for election of five County Commissioners 1276

Stantonsburg:

Providing for election of Mayor and Town Commissioners, etc. 1390-4

State Association of County Commissioners:

Fixing annual membership fee 372

State Board of Barber Examiners:

License fees 1148-9

Licensing and regulating barber schools 1149-50

Relating to renewal of licenses of Veterans 1149

Requiring license or permit 1148

State Board of Dental Examiners—See under North Carolina State Board of Dental Examiners.

State Board of Embalmers:

Appointment of members 119-20

State Boards, Commissions and Departments:

Agriculture:

Authorizing improvement and operation of State Fair 1323-4

Authorizing investment of certain funds in interest bearing government securities 1312

Relating to North Carolina Seed Law 1135-56

Page

Relating to Fertilizer Law 335-6

Relating to promotion of poultry industry, regulating public hatcheries, chicken dealers, turkey poults, hatching eggs, advertising, keeping records, etc. 858-60

Relating to public weigh masters 1400

Alcoholic Beverage Control:

Relating to powers of 1273

Relating to regulation of manufacture and sale of wine 1207-14

Relating to transportation of certain liquor 619-21

Archives and History:

Redefining duties and functions 65-9

Assessments:

To make information available to County Boards of Assessment 1273-4

Commission for the Blind:

Appointment of Guardian for certain blind persons 84

Authorizing certain business operations 83-4

Authorizing cooperation in Federal Program 83-4

Relating to establishment of preconditioning center for adult blind 948-9

Requiring reports of certain examinations 83-4

Charities and Public Welfare:

Name changed 53

Conservation and Development:

Authorizing establishment of small mouth bass fish hatcheries and extending certain 1943 appropriations 741

Creation of Petroleum Division to regulate operations for discovery and production of natural gas and oil 951-72

Page

Relating to fishing regulations 1328-9

Relating to marine vegetation 1086

Relating to members, their appointment, terms of office and meetings 885

Relating to restoration of Tryon's Palace 1098-9

Relating to transferring certain lands from State Board of Education to Board of Conservation and Development 1092-3

Relating to work of State Stream Sanitation and Conservation Committee 1324-5

Correction and Training:

Authorized to combine offices of Commissioner of Correction and General Business Manager 58

Education:

Authorizing surrender to Federal Government certain claims in connection with Camp Lejeune 1111-2

Authorizing transfer of certain lands to Board of Conservation and Development 1092-3

Dissolving corporate existence and repealing Chapter 804 of 1945 Session 1339

Relating to purchase of supplies and their distribution to school units 814

Restoring corporate existence and validating certain acts 1111

See also under Schools.

Health:

Authorizing Board to administer program for prevention and cure of cancer, including establishment of cancer clinics, etc. 1376-8

Relating to county, local and district health departments 1348-52

Relating to creation of Sanitary Districts 111-3

Relating to work of State Stream Sanitation and Conservation Committee 1324-5

Page

Relating to inspecting and regulating private hospitals, sanatoriums, sanitariums, and educational institutions 1146-7

Relating to membership 329

Relating to membership 1424-5

Insurance:

Granting additional appropriation for work of Insurance Department for two fiscal years ending June 30, 1947 1082-3

Investigation:

Authorizing Bureau to reimburse Guy Scott certain expenses incurred in connection with trial in Wilkes County 1310-2

Highway Patrol:

Extending authority to make arrests in certain cases 1375

Highway and Public Works Commission:

Authorizing Commission to regulate traffic signals on certain streets 1159

Prohibiting planting of Bermuda Grass on shoulders of Highways at certain places 1306

Relating to salary of Chairman 1201-2

Justice:

Appropriation for work of Division of Legislative Drafting and Codification of Statutes 1359-60

Labor:

Creating Arbitration Service to be administered by Commissioner of Labor 1371-3

Public Buildings and Grounds:

Relating to installation of elevators or escalators in Capitol Building 1301

Relating to payment of damages to M. S. Burgess 1133

Relating to payment of damages to J. L. Pearce 811-2

Public Welfare:

Relating to name 53

Relating to appointment of County Boards 57

Page

Purchase and Contract:

Purchases from Federal Government 157-8

Utilities Commission:

Extending authority over refinancing of utility securities 909

Relating to functions with reference to rail and motor carrier rates, fares, rules, regulations and practices 1024-5

State Colors:

Adopting red and blue as official State Colors 1190

State Fair:

Authorizing Board of Agriculture to improve and operate the State Fair 1323-4

State General Fund Bond Sinking Fund 6-9

State Guard:

Exempting from Jury duty 337-8

Relating to age of members 1155

State Officials:

Commissioner of Agriculture:

Empowered to Administer Bread Enrichment Act 891-4

Empowered to administer North Carolina Seed Law 1142-4

Attorney General:

Directing Department of Justice to prepare Supplements to the General Statutes after each General Assembly and semi-annually and authorizing certain "editing" privileges 1178-9

Increasing number of Assistant Attorneys General to four 1094

Governor:

Board of Conservation and Development, Appointment by Governor 885

Forest Survey Commission—Appointment by 910-1

Page

General Statutes Commission—Appointment of two members 167-70

North Carolina Medical Care Commission—Appointment of 1425-30

North Carolina Recreation Commission—Appointment of 1262-5

North Carolina Vocational Textile School—Appointment of Board of Trustees of 1113

Special Judges—Appointment of 163-4

State Hospitals at Raleigh, Morganton and Goldsboro and Caswell Training School—Appointment of Board of Directors of 1231-2

State Stream Sanitation and Conservation Committee—Appointment of 1324-5

Veterans Commission—Appointment of 1019-23

Vocational Schools Commission—Appointment of 1326-7

Lieutenant Governor:

Salary increased 1

Commissioner of Motor Vehicles:

Authorizing Assistant Commissioner to sign pleadings and other Court documents on behalf of the Commissioner 750

Commissioner of Revenue:

Authorizing refund of certain gasoline tax 896-7

Authorizing refund of certain gasoline tax 1327-8

Treasurer:

Authorized to pay a certain lost Bond 581-2

Relating to depositing State Funds 170

State Ports Authority—See North Carolina State Ports Authority.

State Post-War Reserve Fund 7-8

State Property Fire Insurance Fund:

Providing for State to carry own fire insurance risks, creating Fund and regulating same 1340-1

Page

State Retirement System:

Membership of certain persons performing certain services for the Federal Government 1105

Relating to certain overpayments 256

State Service Officer—See North Carolina Veterans Commission

State Stream Sanitation and Conservation Committee:

Creating Committee and prescribing duties, functions and powers 1324-5

Statesville:

Authorizing conveyance of certain property for use as memorial to Veterans 364

Authorizing Statesville and Iredell County to acquire and give to Federal Government site for Veterans Hospital 367

Issuance of warrants by certain officers 242

Stillwell, D. F.

Relating to damages caused by school bus 918

Stokes County:

Authorizing adjustment of delinquent taxes 653-4

Authorizing special deputy sheriffs 567

Fixing pay of Clerk of Superior Court 712

Increasing pay of county surveyor 975

Making Chapter 118, Public Laws of 1941 Applicable 564

Relating to indexing systems in offices of Clerk of Court and Register of Deeds 650-1

Street Improvement 637

Summons—See under Civil Procedure

Sunday:

Gates County—Prohibiting auto races and horse races on Sunday 281

Page

Prohibiting hunting on Sunday 1374
Prohibiting operation of Pool Tables on Sunday in Pitt County 1107

Superior Court—See under Courts

Surety Bonds:

Requiring corporate surety on bonds of county officials in Clay and Graham Counties 146
Required of Justices of Peace in Craven County 160-1

Supreme Court Reports:

Relating to distribution 764

Surry County:

Authorizing employment of Deputy Clerk of Superior Court 179
Fixing Terms of Superior Court 181
Making certain 1933 Act applicable 356
Providing for election of Judge and Prosecuting Officer of Recorder's Court 1176-7
Relating to salary of Sheriff and employment of Deputies 1388
Relieving tax collectors of responsibility of taxes insolvent for 5 years 180

Swain County:

Authorizing County and municipalities to decline to issue licenses to sell wine 1278
Validating certain County expenditures 673

T

Tarboro:

Authorizing purchase and operation of hotel 569

Taxes and Taxation:

Aberdeen, Authorizing adjustment of certain taxes and validating certain prior adjustments 852-3

Page

Alamance County—Authorizing tax levy for farm agent and home demonstration agent 710

Anson County—Authorizing adjustment of certain delinquent taxes 674

Anson County—Authorizing special tax for county accountant, auditor and farm demonstration agent 842

Anson County—Authorizing transfer of delinquent taxes to general fund 1226

Anson County—Relating to delinquent taxes 828

Armed Forces—Removing penalty from certain taxes 1362

Assessments of real property for 1945 and 1946—Authorizing postponement 11

Aulander—Validating tax listings, levies and sales for certain years 1338-9

Authorizing Counties to levy taxes for relief of poor 791

Beaufort County—Authorizing special tax for Veterans Service Officer 1106

Bertie County—Validating certain acts in collecting 1943 Taxes 1046

Bladen County—Changing rates on tax sales certificates 298

Bladen County—Placing certain delinquent taxes in general fund 296

Burke Couty—Special levies for farm agent, home demonstration agent and county accountant 310-1

Cabarrus County—Providing schedule of discounts for prepayment of taxes 867

Carolina Beach—Referendum on tax for advertising town 1291-2

Carteret County—Authorizing levy for school bonds 694-5

Carteret County—Relating to tax sales 854-5

Caswell County—Authorizing special taxes for farm agent, home demonstration agent and county accountant 382

Caswell County—Providing special tax for publishing history of persons in Armed Forces 381

Page

Changing certain rates on tax sale certificates and tax penalties 379-80

Charlotte—Exempting property of Little Theater 389

Charlotte—Providing for referendum on special tax for Parks and Recreation 394-5

Charlotte—Providing for referendum on special tax for library 719-22

Chatham County—Validating certain tax sales 404

City—County Hospitals for Poor—Special levy without referendum 713-7

Columbus County—Authorizing special taxes for fire control, farm agent, county accountant, etc 1384

County Hospitals—Providing for county referendum for tax levy 700-10

Cumberland County—Relating to discounts on taxes 126

Cumberland County—Authorizing special tax for poor, county hospital, public library and bookmobiles 768

Currituck County—Authorizing special levy 63

Durham County—Limitations on tax suits 1152

East Flat Rock—Authorizing adjustment of delinquent taxes 669-70

Fayetteville—Relating to discount on taxes 126

Forsyth County and Winston-Salem—For Health Departments in 102-5

Forsyth County and Winston-Salem—For Hospital care for the poor in 106-10

Gaston County—Authorizing special tax for Public Library 1422-3

Gaston County—Increasing tax limits for certain purposes 237

Gaston County—Referendum on special tax for Industrial Diversification Commission 560-4

Graham County—Tax levy for Health Fund 813

Guilford County—Limitations on tax suits 1152

Guilford County—Authorizing remission of penalties on certain delinquent taxes 370

Page

Guilford County—Relating to tax foreclosures 149

Guilford County—Relating to taxes on newly discovered property 1224

Halifax County—Authorizing special levy for County Home and County Welfare Department 1107

Halifax County—Fixing discount rates for prepayment of taxes... 546-7

Halifax County—Relating to delinquent taxes and prepayment of taxes 602-3

Harnett County—Authorizing special taxes for farm agent, home demonstration agent, county accountant and for care of poor 388

Harnett County—Authorizing special tax for Veterans Service Officer 389

Henderson County—Authorizing special tax for Veterans Service Officer 933-5

High Point—Relating to tax foreclosure suits 149

Jones County—Authorizing special tax levies for certain county officials 374-5

Jones County—Limitations on tax suits 1152

Judgments—Relating to recording 897-8

Limitations on tax suits in Durham, Guilford, Jones, Mecklenburg and Onslow Counties 1152

Madison County—Increasing certain tax rates 373

Mecklenburg County—Authorizing special levy for relief of poor and certain other purposes 765

Mecklenburg County—Collection in 28-30

Mecklenburg County—Limitations on tax suits 1152

Mecklenburg County—Referendum on tax levy for public library 719-22

Mecklenburg County—Listing taxes in 31-2

Mecklenburg County—1937 Act relating to taxes repealed..... 33

Middlesex—Authorizing increase in tax rate 693

Page

Moore County—Authorizing adjustment of certain taxes 238

Nashville—Authorizing levy in for operating expenses 138

New Hanover County—Authorizing cancellation of certain taxes 1158

Onslow County—Limitations on tax suits 1152

Onslow County—Relating to certain corrections in 1944 tax levy 1250-1

Pamlico County—Authorizing special taxes for farm agent, and county accountant 1395

Polk County—Authorizing special taxes for county accountant, farm agent, home demonstration agent, forest warden and poor 1195-6

Relating to taxing property acquired after January 1 and before July 1, from a nontaxable owner 1289-90

Roanoke Rapids—Authorizing tax levy 568

Rutherford County—Authorizing special taxes for county accountant, farm agent, forest warden, relief of poor and home demonstration agent 1423-4

Rutherford County—Relating to delinquent taxes 1333

Sanitary Districts—Levied by 111-3

Southern Pines—Validating certain taxes 62

Stokes County—Authorizing adjustment of delinquent taxes 653

Surry County—Taxes insolvent for five years 180

Tax foreclosure suits, relating to alias and pluries summons 173

Vass—Lakeview School District—Authorizing election on special tax for certain school purposes 1452-3

Washington County—Authorizing special taxes for farm agent, home demonstration agent, fire control, welfare department and relief of poor 1406-7

Wayne County—Authorizing levy for county accountant and farm agent 291

Wayne County—Authorizing levy for Fremont School Debt 404-6

Wayne County—Deferring quadrennial assessment of property 851-2

Page

Wilmington—Authorizing cancellation of taxes assessed against certain property of the American Legion 1158

Winston-Salem—Authorizing increase in rate 371

Taxicabs:

Relating to licenses and rates 792-3

Taylorsville:

Providing for election of Mayor, fixing pay of Mayor and Town Commissioners and fees for arrests 1181-2

Teachers—See Schools.

Telephone:

Relating to assistance from Rural Electrification Authority to rural communities in procuring adequate telephone service 1169-71

Temple, Walter G.

Relating to damages caused by school bus 1295

Terms of Superior Court—See Superior Court Terms under Courts

Textbooks—See Schools.

Textbook Commission—See Schools.

Thomasville:

Fixing salaries of Judge and Solicitor of Recorder's Court 308

Limiting number of justices of peace 863

Providing certain punishment for persons convicted in Recorder's Court 307

Thompson Institute—Amending corporate Charter 1195

Tobacco:

Required to be weighed in leaf tobacco warehouses 1400

Page

Trade or Brand Name:

Relating to certain frozen desserts 1163-4

Traffic Bureau:

Greensboro 593-5

High Point 39-40

Nashville 742-3

Spring Hope 542-3

Transylvania County:

Authorizing County and Brevard to operate joint Airport 1401-4

Authorizing payment of turnkey fees to jailer 695

Providing for election on hogs running at large in Hogback Township 1165

Relating to profane and indecent language on public highways 548

Relating to Tax Collector 654

Salaries of Clerk, Register of Deeds, Tax Collector and Sheriff 110-11

Salary of County Accountant 46

Salary of Tax Supervisor 47

Treasurer—See under State Officials

Trucks—See under Motor Vehicles

Trusts and Trustees:

Exempting certain trusts from rules against perpetuities and restraints on alienation 13

Tryon:

Appointing Trustees for Schools 1216

Authorizing sale of certain property 125

Relating to funds of Tryon-Saluda School Unit 1417

Page

Tryon's Palace at New Bern:

Providing for Tryon's Palace Commission 1098-9

Relating to restoration, acceptance of gifts for the project, purchase of certain property, etc. 1098-9

Tuberculosis:

Relating to preventing spread 815

Tyrrell County:

Authorizing County Commissions to put Sheriff on fee basis 1305

Fixing salaries of Clerk, Register of Deeds, Sheriff, County Commissioners and Board of Education 195

Regulating election of County Commissioners 1166

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

U

Unemployment Compensation:

Expanding its application, protecting the rights of Veterans and clarifying certain provisions of General Statutes 724-40

Relating to "employer" and "employing unit" 762

Relating to old age assistance and aid to dependent children 855-7

Relating to docketing fees for certificates for unpaid contributions 336

Relating to venue of certain cases 258

Union County:

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Cotton Weighers to be appointed by County Commissioners 264

Establishment and operations of Retirement System 603-6

Page

Fixing salaries of Commissioners and Judge and Prosecuting Attorney 355

Fixing salary of Deputy Sheriff 1226

Relating to pay for jurors in Recorder's Court 377

Relating to Recorder's Court 767

V

Vaden, Herman

Relating to damages caused by school bus 1185

Valdese:

Providing for election on special tax for certain school purposes 1206

Vance County:

Applying Section 18-77 of General Statutes to County 1239

Authorizing County and municipalities to refuse to issue licenses to sell wine 1239

Election of County Commissioners 215-6

Exempting County from Chapter 1040 regarding County Planning Boards 1361-2

Increasing salary of Register of Deeds 214

Making certain 1933 Act applicable 356

Making county subject to the provisions of Chapter 526 of 1945 Session, regarding Retirement System 1419-20

Making it misdemeanor for livestock to run at large 403

Relating to joint airport with Henderson, Oxford and Granville County 609-13

Vass:

Authorizing election on special tax for certain purposes of Vass-Lakeview School District 1452-3

Page

Venue—See under Civil Procedure

Veterans:

Alleghany County—Authorizing recording of discharges without charge, the fee to be paid by County 1189

Beaufort County—Authorizing employment of Veterans Service Officer 1106

Catawba County—Authorizing employment of Veterans Service Officer 972-3

Cleveland County—Authorizing employment of Veterans Service Officer 363

Creating North Carolina Veterans Commission 1019-23

Duplin County—Authorizing employment of Veterans Service Officer 941

Enabling Veterans between ages of 18 and 21 to contract, sue and be sued in connection with procurement of benefits under Servicemen's Readjustment Act of 1944, P. L. 346, 78th Congress and other similar legislation, just as if they were 21 years of age 1079-81

Enabling minor Spouses of Veterans to contract, sue and be sued in connection with Benefits under Servicemen's Readjustment Act of 1944 or similar legislation, just as if they were 21 years of age. 1081-2

Extending to all Veterans Organizations certain exemptions from taxes applicable to American Legion 1308

Extending provisions of Section 100-10 of General Statutes to Veterans of Second World War 131

Extending certain educational advantages to children of Veterans of Second World War 1157

Extending certain Income Tax exemptions to Veterans of Second World War 1282-3

Gaston County—Authorizing employment of Veterans Service Officer 115-6

Harnett County—Authorizing employment of Veterans Service Officer 389

Page

Henderson County—Authorizing employment of Veterans Service Officer 933-5

Iredell County—Authorizing employment of Veterans Service Officer 159

Johnston County—Authorizing employment of Veterans Service Officer 277

Lee County—Authorizing employment of Veterans Service Officer 839-41

Lincoln County—Authorizing employment of Veterans Service Officer 873-4

Moore County—Authorizing employment of Veterans Service Officer 587

Pitt County—Authorizing employment of Veterans Service Officer 1275-6

Providing for Bureau of Vital Statistics and Register of Deeds to furnish copies of certain records 1396-7

Providing for Clerk of Superior Court to serve as Guardian for children of certain service men 1033

Relating to barber licenses for Veterans 1149

Rockingham County—Authorizing employment of Veterans Service Officer 365

Rutherford County—Authorizing employment of Veterans Service Officer 1332-3

Washington County—Authorizing employment of Veterans Service Officer 1275-6

Veterans Recreation Authorities Law 630

Voting—See Elections and Election Laws.

W

Wake County:

Allowing Clerk of Superior Court to collect a fee for receiving surplus moneys in mortgage foreclosures 1032

Page

Authorizing Commissioners to regulate or prohibit sale of wine in Wake County within one mile of corporate limits of Angier 1234-5

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Exempting County from Chapter 1040, regarding County Planning Boards 1361-2

Exempting Wake County from certain provisions of the General Statutes relating to zoning of property 763

Fees of Justices of Peace 60

Fixing Salary of tax collector 789

Relating to damages to property by dogs 790

Relating to Durham-Raleigh Airport 95-7

Relating to process agents, jury trials and appeals in Recorder's Court of White Oak, Buckhorn, Cedar Fork and Leesville Townships 539

Repealing 1943 Act regarding wild turkeys 1199

Wallace:

Authorizing Town to refuse to issue licenses to sell wine 1277

Walnut Cove:

Appointing Mayor and Town Commissioners and providing for future elections 816-7

War Bonus:

For teachers and other State employees 2-6

War Memorial:

Alamance County 651-2

Greensboro 595-8

Stanly County—Authorizing election on issuance of bonds for war memorial 1159-60

Page

Statesville—Authorizing conveyance of certain property for use as Memorial 364

War Powers Act 12

Ward—See Guardian and Ward

Warrants:

Limiting time for payment of State Warrants and providing for handling barred warrants 691

Warren County:

Authorizing County Commissioners to fix salaries of County Officers and employees and War Bonus 375

Making certain 1933 Act applicable to County 356

Relating to war bonus of County Officers 1415

Relating to pay for deputy sheriffs 940

Sessions of Recorder's Court 214

Warsaw:

Authorizing Town to refuse to issue any licenses to sell wine 1280

Washington County:

Applying provisions of Section 28-68 of General Statutes to County, regarding administration of certain assets by the Clerk 193

Authorizing employment of Veterans Service Officer 1275-6

Authorizing Commissioners to terminate arrangements whereby local bank has served as financial agent of County and to appoint a Treasurer, and fixing his salary 1183-4

Authorizing referendum on school bonds 401

Authorizing special taxes for farm agent, home demonstration agent, fire control, welfare department and relief of poor 1406-7

Authorizing travel expense to Constables 1249

Fees for jurors and grand jurors 123

Page

Fixing salaries of Clerk of Court and Register of Deeds 1219-20

Providing certain expense allowances for Sheriff's Office 1192

Relating to number and election of County Commissioners 1217-8

Requiring waiting period before issuance of marriage licenses to nonresidents 1373-4

Salaries of County Board of Education 124-5

Salaries of County Commissioners 123-4

Watauga County:

Fixing pay of Sheriff 803

Fixing Terms of Superior Court 947

Wayne County:

Authorizing Commissioners to turn certain delinquent tax funds into General Fund 179

Authorizing County and municipalities to execute conveyances with covenants of warranty 1279

Authorizing levying certain taxes for county accountant and farm agent 291

Deferring quadrennial assessment of property 851-2

Relating to assumption of bonds of Fremont School District 404-6

Relating to Game 874

Relating to fishing regulations 1328-9

Weights and Measures:

Authorizing Board of Agriculture to establish standards 326-9

Wells, Bennie

Relating to damages caused by school bus 1005-6

Page

Western North Carolina Agricultural and Industrial Fair Association:

Authorizing certain Counties to contribute funds to the Association 600

Whiteville:

Creating Whiteville Schools as an Administrative Unit and providing for control and management of same 899-901

Whitley, Albert

Relating to damages caused by school bus 1026

Whooping Cough:

Requiring immunization of young children and providing penalty 750-1

Wife—See Married Women.

Wild Turkeys:

Relating to Wake County 1199

Wilkie, Rev. E. C.

Relating to damages caused by school bus 1012-3

Wilkes County:

Increasing salaries of Clerk, Register of Deeds and Sheriff 766

Relating to election of County Commissioners 718

Wills:

Nullifying devise by one spouse to another, if parties subsequently divorced 154-5

Probate of wills of persons in Armed Forces 98

Validating certain probates of Wills 1131-2

Wilmington:

Authorizing cancellation of taxes assessed against certain property of American Legion 1158

Page

Authorizing referendum on extending corporate limits 206-12

Creating Boxing and Wrestling Commission 1228-9

Making Adelaide J. Peiffer and Columbia Munds eligible under Retirement System 614-5

Relating to adjustments on street assessments against property owned by Churches 618-9

Relating to changes in civil service system and also to selection of Fire Chief and Police Chief 411-2

Relating to Firemen's Pension Fund 1174

Relating to Pension Fund of Police Department 938-9

Relating to pensions and other benefit payments for employees 819-20

Relating to Retirement System for City Employees 843-5

Wilson:

Authorizing the acquisition of certain lands 290

Relating to Law Enforcement Officers' Benefit Fund 410

Wilson County:

Authorizing county and municipalities to execute conveyances with covenants of warranty 1279

Windsor:

Providing for referendum on tax levy for recreational facilities 384

Wine—See Alcoholic Beverages.

Winston-Salem:

Authorizing Forsyth County and Winston-Salem to provide hospital care for the poor 106-10

Authorizing Forsyth County and Winston-Salem to maintain jointly a detention home for children 658-60

Authorizing increase in tax rate 371

Consolidation of City and County Health Departments 102-5

Page

Winton:

Extending corporate limits 929-30

Workmen's Compensation Act:

Amending Section 97-2(a), exempting certain logging and Saw Milling operations 1074

Amending Section 97-2(e), relating to compensation when employee is less than 21 years old 1074

Amending Section 97-4, relating to waiving notice of nonacceptance 1074

Amending Section 97-7, relating to coverage by counties and their agencies 1074-5

Amending Section 97-13(b), relating to certain employers, who might be exempt ordinarily but who carry coverage 1075

Amending Section 97-19, relating to certain persons who carry blanket coverage 1075

Amending Section 97-24, relating to destroying records of cases that have been closed five years or more 1075

Amending Section 97-29, relating to certain death cases 1075

Amending Section 97-40, relating to Second Injury Fund 1076

Amending Section 97-48, relating to minors under age of 18 years 1076

Amending Section 97-92(a) 1076

Amending Section 97-94(b) 1076

Relating to exposure to the hazards of asbestosis and silicosis 1070

Relating to time of notice, time for barring claims and other matters in cases involving occupational diseases 1070-1

World War Veterans—See Veterans

Wood—See Weights and Measures

Woodland:

Extending corporate limits 828

Page

Wrapping and Labeling—See Weights and Measures.

Y

Yadkin County:

Applying Section 7-134 of General Statutes to County 162
Authorizing conveyance of certain property 946
Fixing pay of jurors 848
Relating to election of County Commissioners 1197
Salaries of County Commissioners 128

Yancey County:

Fixing certain fees to be collected by Register of Deeds 771
Fixing salary of County Accountant 269
Providing a Board of Education 1016-7
Relating to bond of Coroner 304
Relating to bond of County Surveyor 304

INDEX TO THE RESOLUTIONS

SESSION, 1945

A

Adjournment Sine Die 1507

Appropriations:

For inaugural ceremonies 1457

Attorney General:

Expressing appreciation to Attorney General and his Staff for services in connection with the work of the General Assembly 1501

B

Bacon, Francis P.

Memorializing President for diplomatic appointment 1479-80

Byrnes, Hon. James F.

Commending War Mobilization Director Byrnes for declaring midnight curfew on amusements 1506-7

C

Cape Hatteras National Seashore Park:

Petition to Congress 1480-1

Carr, General Julian S.

Endorsing movement to honor General Carr and appointing a Committee to represent the General Assembly at the Carr Centennial Celebration 1496-7

Caswell Training School:

Relating to expansion of facilities 1466-7

Page

Cherry, R. Gregg—See Governor

Clark, John G.

Expressing regrets because of the death of 1501-2

Commissions and Committees:

Carr Centennial Celebration 1496-7

Domestic Relations—To study laws relating to and to report to 1947 Session 1497-8

Insurance Laws 1482-3

Inaugural Ceremonies 1457

Irish Potatoes Industry 1485-6

Judicial and Solicitorial Districts 1477-8

Lake Tahoma—To study advisibility of Purchasing 1506

Motor Vehicles—Financial responsibility of operators of 1491

Motor Vehicles—System of mechanical Inspection and qualifications for drivers 1493

Motor Vehicle transportation of Property 1487-9

Oyster and Clam Industry 1502-3

Penal Institutions, To inspect and report to 1947 Session 1473-4

State Offices—To study building program for 1494-5

Teachers—To investigate and report to 1947 Session, regarding payment of salaries on basis of merit and individual ability 1475

Congress and Congressmen:

Requesting support in getting Federal Government to make payments on Federally owned lands in North Carolina 1461-2

Requesting support in behalf of Tobacco Control Program 1463

Requesting aid in procurement of tobacco plant bed cloth 1465-6

Page

Memorializing Congress to provide annual payments to certain Counties to compensate for loss of taxes on Federally owned lands 1468-9

Memorializing Congress to submit to States a proposal to amend Constitution of United States to provide for Treaties be made by the President with the consent of a majority of House and Senate 1469-70

Requesting aid of our Congressmen in procurement of tobacco twine 1483-4

Memorializing Congress to continue National Guard, Officers' Reserve Corps and Organized Reserve 1498-9

Memorializing Congress to continue Unemployment Compensation as a State function 1470-2

Memorializing Congress regarding Cape Hatteras National Seashore 1480-1

Conservation and Development:

Appointment of Committee to investigate desirability of separating Division of Game and Inland Fisheries from Department of Conservation and Development 1460-1

Constitutional Amendments:

Memorializing Congress to submit to States proposal to amend the Constitution to provide for Treaties to be made by the President with the consent of a majority of the House and Senate 1469-70

Courts:

Commission on Judicial and Solicitorial Districts to be appointed 1477-8

D

Domestic Relations:

Providing for appointment of a Commission to study laws relating to domestic relations and to report to 1947 General Assembly 1497-8

Page

Dykstra, Dr. Clarence A.

Invitation to address Joint Session during Anniversary Exercises of University of North Carolina 1458-9

F

Federal Government:

Memorializing Congress to provide annual payments to certain Counties to compensate for loss of taxes on Federally owned lands 1468-9

Relating to payments on Federally owned lands in North Carolina 1461-2

Free Press:

Relating to access to news throughout the World and Cause of Peace 1484-5

G

Game and Inland Fisheries:

Appointment of Committee to investigate desirability of separating Division of Game and Inland Fisheries from Department of Conservation and Development 1460-1

General Assembly:

Adjournment sine die on March 21st 1507

Invitation to attend Centennial Celebration of State School for the Blind and Deaf on January 23rd 1459-60

Invitation to attend meeting of North Carolina Hospitals Board of Control on January 31st 1464

Joint Session for approval of appointments to State Board of Education on March 16th 1487

Page

Joint Session for election of Trustees of University of North Carolina on March 14th 1479

Joint Session for address of Governor on February 27th 1473

Joint Session for Anniversary Exercises of University of North Carolina on January 15th 1458-9

Joint Session for address of Hon. David E. Lilienthal on January 30th 1464-5

Joint Session for address of Mrs. Franklin D. Roosevelt on March 12th 1474

Liaison Officer, Appointment of 1461

Organized and ready for business 1457

Governor:

Authorized to appoint a Commission to continue study of Insurance Laws of State 1482-3

Authorized to appoint Commission to investigate and report to 1947 General Assembly regarding payment of teachers' salaries on basis of merit and individual ability 1475

Authorized to appoint new Commission relating to rearrangement of Judicial and Solicitorial Districts 1477-8

Authorized to appoint a Commission to study the advisability of purchasing Lake Tahoma 1506

Authorized to appoint Commission to study Irish Potato Industry 1485-6

Authorized to send a Certificate of Appreciation to all persons of North Carolina, enrolled in the Armed Forces 1490

Authorizing printing two thousand copies of message 1459

Directed to appoint a Commission to study financial responsibility of operators of motor vehicles 1491

Directed to appoint a Commission to study advisability of establishing a system for mechanical inspection of motor vehicles and reviewing qualifications for drivers 1493

Page

Directed to appoint Commission to study needs and facilities for motor transportation of property 1487-9

Directed to appoint a Commission to inspect Penal Institutions and to report to 1947 General Assembly 1473-4

Invitation to address Joint Session on February 27th 1473

Invitation to participate in Anniversary exercises of University 1458-9

Notifying Governor that General Assembly is ready for business 1457

Relating to Inauguration 1457

Requested to appoint a Commission to study building program for State Offices 1494-5

Requested to appoint a Commission to study laws relating to domestic relations 1497-8

Requested to appoint a Commission to study the Oyster and Clam Industry 1502-3

Graham, Dr. Frank P.

Invitation to address Joint Session during Anniversary Exercises of University of North Carolina on January 15th 1458-9

I

Inauguration:

Appropriation for and appointment of Committee 1457

Institute of Government:

Expressing appreciation for services rendered in connection with the work of the General Assembly 1495

Insurance:

Directing Governor to appoint a Commission to continue study of the Insurance Laws of North Carolina 1482-3

Page

Directing Governor to appoint a Commission to study financial responsibility of operators of motor vehicles 1491

Irish Potatoes:

Authorizing Governor to appoint Commission to study Irish Potato Industry 1485-6

J

Jews:

Relating to Palestine as home for Jews 1467-8

Judicial and Solicitorial Districts:

Continuing Commission provided by 1943 Session, relating to rearrangement of Districts 1477-8

L

Lake Tahoma:

Authorizing the Governor to appoint a Commission to study advisability of purchasing Lake as a State Park and to report to 1947 General Assembly 1506

Liaison Officer:

Appointment of Liaison Officer between House and Senate 1461

Lilienthal, Hon. David E.

Invited to address Joint Session 1464-5

M

Motor Transportation:

Directing Governor to appoint a Commission to study needs and facilities for motor transportation of property 1487-9

Page

Motor Vehicles:

Directing Governor to appoint a Commission to study problems relating to financial responsibility of operators of Motor Vehicles 1491

Directing Governor to appoint a Commission to study advisability of establishing a system for mechanical inspection of Motor Vehicles and reviewing qualifications for drivers 1493

Murphy, Walter P.

Appointment as Liaison Officer 1461

Relating to writing a History of North Carolina 1489-90

N

National Guard:

Urging that Congress continue National Guard, Officers' Reserve Corps and Organized Reserves 1498-9

North Carolina Hospitals Board of Control:

Invitation to General Assembly to attend Board meeting and inspect State Hospital 1464

O

Oteen Hospital—See Veterans.

Oysters and Clams:

Requesting Governor to appoint a Commission to study Oyster and Clam Industry and to report to 1947 General Assembly 1502-3

P

Palestine:

Relating to Palestine as home for Jews 1467-8

Page

Peace:

Urging that Veterans be represented in the Allied Peace Council 1492

Penal Institutions:

Directing Governor to appoint a Commission to inspect and to report to 1947 General Assembly 1473-4

Perry, Lt. V. B.

Expressions of appreciation of services and regrets because of death 1462

Postwar Military Organization:

Memorializing Congress to continue National Guard, Officers' Reserve Corps and Organized Reserve 1498-9

R

Reynolds, Lt. A. C., Jr.

Providing for General Assembly to adjourn sine die in his honor 1507

Roosevelt, Mrs. Franklin D.

Invitation to address joint session on March 12th 1474

S

Sanders, Lt. Emerson T.

Expressing sympathy for and wishing for speedy recovery 1500

Schools:

Directing State Board of Education to appoint five of its members to study school building problems and to report to 1947 General Assembly 1503-4

Directing Secretary of State to print 2500 Copies of the School Laws of the State 1505

Page

Secretary of State:

Directed to print 2500 copies of the School Laws of the State 1505

State Board of Education:

Joint Session on March 16th for approval of appointments to 1487

State Offices:

Requesting Governor to appoint a Commission to study building program for State Offices 1494-5

State School for the Blind and Deaf:

Invitation for General Assembly to attend Centennial Celebration 1459-60

T

Teachers:

Authorizing Governor to appoint a Commission to investigate and report to 1947 General Assembly regarding payment of teacher's salaries on the basis of merit and individual ability 1475

Tobacco:

Requesting Congressional support for Control Program 1463

Requesting Congressional aid in procurement of plant bed cloth 1465-6

Requesting Congressional aid in the procurement of tobacco twine 1483-4

Treaties:

Memorializing Congress to submit to the States a proposal to amend the Constitution to provide for Treaties to be made by the President with the consent of a majority of the House and Senate 1469-70

Page

U

Unemployment Compensation:

Memorializing Congress to continue Unemployment Compensation as a State Function 1470-2

United States Congress—See Congress.

University of North Carolina:

Anniversary exercises 1458-9

Joint Session for election of Trustees 1479

V

Veterans:

Authorizing Governor to send a Certificate of Appreciation to all North Carolinians in the Armed Forces 1490

Urging that Congress permit Veterans to have voice in determining our Postwar Military Policy 1498-9

Urging Veterans administration to improve and enlarge Facilities at Oteen 1476-7

Urging the Veterans be represented in the Allied Peace Council 1492

W

Women's Army Corps:

Sponsoring enlistment campaign 1486-7